

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/01757/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Development of 70 residential dwellings (Use Class C3) with associated access, infrastructure, landscaping and open space
<b>NAME OF APPLICANT:</b>	Bellway Homes (North East) Limited
<b>ADDRESS:</b>	Land North East Of Trent Crescent And East Of Scorers Lane Great Lumley
<b>ELECTORAL DIVISION:</b>	Lumley
<b>CASE OFFICER:</b>	Graham Blakey, Senior Planning Officer 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located to open agricultural land to the northern edge of the village of Great Lumley, a village to the south east of Chester-le-Street, North Durham. The site sits to the north of Trent Crescent, part of an estate of bungalows constructed shortly after World War II; and to the east of Scorer's Lane, the unclassified road running north out of the village to Castle Dene and the Lumley New Road. To the west of Scorer's Lane lies the 'Rivers Estate' part of a larger development of housing constructed in the 1960s and 70s that enlarged the village significantly. To the south east lies a large water works site in the control of Northumbrian Water.
2. The site is relatively flat to its southern portion, rising to the north eastern corner of the application site. The application site forms part of a larger agricultural field that is broadly triangular in shape and which runs alongside the Scorer's Lane throughout. As is typical of sites of this nature, established hawthorn hedgerow lines two of the field boundaries to east and west (Scorer's Lane), with two pockets of mature trees along the Scorer's Lane boundary. Two public rights of way (Footpath No.s 3 and 4 (Great Lumley)) criss-cross the site from south to north and intersect close to the northern boundary of the application site.

3. Brough's Gill Wood Local Wildlife Site lies within 50 metres of the Scorer's Lane boundary and forms part of the finger of woodland which lines the Gill that runs west to the River Wear. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, the zone of lowest risk. The closest heritage asset is Lumley Park House; a grade II listed dwelling house which lies over 900 metres to the north west, north of Lumley New Road.

## The Proposal

4. The proposal comprises a full planning application for the erection of 70 dwellings. These dwellings would be split 46 dwelling to the northern part of the site and 24 dwellings to the southern part, either side of a large Northumbrian Water Water Main easement which cuts through the site from the water Works to the south east across to the Brough Gill to the north west. The resultant easement would feature as proposed open space grassland as part of a wider landscaping scheme.
5. Access to the site is proposed direct from Scorer's Lane opposite 6-8 Sherborne. This access would be on the inside of a bend in the road and would facilitate the removal of the agricultural hedgerow that currently lines Scorer's Lane. A Sustainable urban Drainage system (SuDs) drainage feature would be located to the western part of the site, south of the access road and north of the proposed housing.
6. The proposed development would feature predominately 3 and 4 bedroomed properties accounting for 64 of the 70 homes proposed (91% of the total housing). 10 affordable homes are proposed, broken down in to 6 two-bedroomed properties and 4 three-bedroom properties and located to the south west corner of the site. All proposed properties would be two storeys in height, with most being detached (52 of the 70 dwellings, 74%). Properties would all feature off-street parking and rear enclosed gardens.
7. During consideration of the application there have been changes to the proposal comprising the removal of the Scorer's Lane hedgerow and repositioning of housing proposed adjacent to 13-16 Trent Crescent in response to issues raised by consultees.
8. 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.

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## **PLANNING HISTORY**

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9. No relevant planning history.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. 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'.

11. 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.
12. *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.
13. *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.
14. *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.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 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.
17. *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.
18. *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.

19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

21. *Policy HP6 – Residential within settlement boundaries* – Identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
22. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
23. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester le Street falling within the Northern Delivery Area where a 15% provision is required.
24. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
25. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
26. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.

27. *Policy T17 – General Transport Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.
28. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m<sup>2</sup> children’s play space and 250m<sup>2</sup> informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.
29. *Policy BE2 – Public Art* – Developers of larger schemes will be required to contribute 1% of development costs to the provision of works of art in new projects accessible by the public.
30. *Policy BE22 - Planning Obligations* - Chester le Street Council will enter into legal agreements to either enhance the quality of the proposed development or enable a proposal to go ahead that might otherwise be refused.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

31. 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 most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Chester le Street Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

32. *Highway Authority* – Raises no objections. The submitted Transport Assessment indicates there are no material highways impact upon the highway network as a result of the proposed development. The proposed layout has been amended to accommodate the required level of visitor parking.
33. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to adhere to the proposed drainage strategy.
34. *Drainage and Coastal Protection* – Notes that whilst the proposal fulfils some source control elements of the management train outlined in the Council’s SUDs Adoption Guide 2016, there is a lack of site control which would be expected for a new development such as this.

35. *The Coal Authority* – Raise no objections subject to a condition requiring a scheme of remedial works for the mine entry and the implementation of those works.

#### **INTERNAL CONSULTEE RESPONSES:**

36. *Spatial Policy* – In this part of County Durham, the statutory development plan currently comprises the ‘saved’ elements of the Chester le Street District Local Plan 2003 (CDLP). Paragraph 14 of the NPPF makes clear that a presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 7 of the framework defines three dimensions of sustainability: economic, social and environmental. Having regard to the NPPF and recent case law, it is considered that policies can be considered to be ‘out of date’ where a Local Planning Authority is unable to demonstrate a 5 year Housing Land Supply (Paragraph 49 of the NPPF).
37. On the 14<sup>th</sup> September 2017, the Government published a consultation document entitled “Planning for the Right Homes in the Right Places” which included a standard methodology for calculating housing need for County Durham. Based upon this methodology the Council would be able to demonstrate a supply of housing in excess of 5 years. Policy HP6 of the CDLP is considered partially consistent with the NPPF in terms of principle of the development, but taking into account the emerging standard methodology, would still carry reduced weight in the decision making process as the policies are still considered out-of-date in light of paragraph 49 of the NPPF. As a result, the two ‘limbed’ test set out in the ‘Decision Taking’ section of paragraph 14 of the NPPF should be engaged in this instance.
38. The saved local plan policies can be considered as part of the planning balance assessment of the Paragraph 14 ‘first limb’ test where they relate to any identified harm and benefits. Therefore, Saved Policies HP6, HP9, HP13, HP15, RL5, T6, and T15 remain relevant when considering those aspects of the scheme.
39. *Design and Conservation* – Raise no objections considering that the revised site layout does not diminish the design achievements of the proposal.
40. *Landscape Section* – Raises no objections subject to suitable mitigation. The proposals would entail the removal of between 125m and 165m of hedgerow along Scorer’s Lane. This is a long established hedgerow on an old lane and its loss would not be an inevitable consequence of the development, but has been proposed at the suggestion of Landscape Section to improve the quality of the new urban environment and its integration with the village. The extent of hedgerow removal could be deferred to final confirmation by way of condition. Maintenance of the hedgerow to the north of the site is required to accommodate visibility sightlines and should involve regular trimming rather than removal, again secured by condition.
41. The effect on the character of the site itself would be high and transformative, changing it from open farmland to residential development of a suburban character.
42. The proposed development would relate reasonably well to the existing form of the village. Although it would entail an incursion into open countryside it would be bounded by development roughly on two sides and would therefore be relatively compact as an urban extension. Due to the presence of the wayleave there were concerns in the past that the development would have a straggling or sprawling form. While this remains the case, the structure planting now proposed along the northern edge would extend the wooded dene to the west and form a strong and consistent settlement edge.

43. The landscape north of the village is broadly of medium sensitivity to this kind of development being attractive but unremarkable countryside with some local value due to its role in forming the immediate setting of the village and giving access to the countryside on the footpath network. It is assessed that the effects of the proposals on the local landscape as being of a medium magnitude (moderate significance) falling to a low-medium magnitude within around 10-15 years upon maturity of the proposed structure planting.
44. *Landscape (Arboriculture)* – Raise no objections. Officers consider that the arboricultural report supplied is satisfactory and complies with current standards. Large trees to the north west corner of the site and boundary should be retained and suitable root protection used. It is noted that the hedgerow adjacent to Scorer's Lane is to be removed, but hedges to the rest of site must remain.
45. *School Places and Admissions Manager* – Raise no objections. It is considered that the development is likely to produce 21 primary pupils and 9 secondary pupils. There are sufficient primary places available, but insufficient places at the nearest secondary school. Consequently a contribution of £147,096 would be required for the provision of additional teaching accommodation.
46. *Ecology* – Raise no objections. It is noted that the proposed development has some very positive ecological features that are welcomed. Concerns are raised over the ability of the development to avoid a net loss of biodiversity as the amount of habitat created or enhanced does not seem to be commensurate with the losses and some of the on-site biodiversity delivery is hampered by impacts from recreational activity. Given that any further on-site mitigation would likely be eroded by the recreational green space and so be subject to disturbance the applicant should deliver any required mitigation off-site and a contribution is sought. Furthermore, conditions to ensure the impacts of the lighting scheme and the provision of bat and nesting boxes should be included.
47. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a gas monitoring results, the remediation strategy and subsequent verification report.
48. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. A planning condition is suggested to ensure that the proposed dwellings are constructed in accordance with the mitigation strategy outlined within the submitted noise assessment. A further condition with regard to the construction phase and the need for a Construction Management Plan is required.
49. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Submitted air quality risk assessment and screening outlines limited risk of pollutants arising from the proposed development at both construction and operational phases.
50. *Archaeology* – Raise no objections subject to the completion of field work trial trenching and the submission of findings prior to commencement of the development.
51. *Housing Delivery* – Raise no objections. The 15% affordable housing requirement is proposed by the applicant at a tenure mix of 75% affordable rent and 25% affordable home ownership is acceptable.

52. *Access and Public Rights of Way* – Raise no objections. Officers consider that provision of public rights of way across the site appear satisfactory. Stopping up of a public footpath would be required where it is proposed to be replaced by adopted public highway.
53. *Sustainable Travel* – Raises no objections. The furthest point of the development from existing bus stops is 360m in a direct line and is served by 4 buses an hour Monday to Saturday daytimes and hourly on evenings and Sundays. Revised travel plan required by condition.

#### **EXTERNAL CONSULTEE RESPONSES:**

54. *Durham Constabulary* – No objections are raised noting that the crime risk assessment for this development is low.

#### **PUBLIC RESPONSES:**

55. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 38 representations have been received from local residents, of which 35 were objections, 1 letter of support and 2 comments upon the design and impact of the scheme.

#### Objection

56. The matters raised by the 35 objectors and 2 representations received to the proposal are summarised below.

##### *Principle*

- Brownfield site (e.g. Old Dog and Gun PH site) that would preferable for new housing.
- Housing at Black Boy Road (east of village) within 2km of the site under construction, why does the village need to lose green space.
- Houses in the village and surrounding area are not selling and the prices of the new housing are likely to be out of the range of villagers – over 120 properties for sale within 1 mile radius.
- Village has already contributed to the building of houses in County Durham in the last 30 years.
- Can empty homes already in Lumley and the surrounding area not meet some of the housing requirements needed?
- Regular use of the land for recreational purposes by the community of Great Lumley, an asset which would be missed by residents.
- Imbalance in village with a north of village centre bias to new development.
- Council previously considered the last housing development in the village to “round off” the village meaning no more expansion.

##### *Highways*

- Position of vehicular access would be a hazard due to its location on the main road.
- Visibility is substandard for a proposed access to the outside of a bend (DC Advice Note 15).
- Repositioning of the 30mph speed limit / repositioning of the access to a straighter section of Scorers Lane needed.
- 195 parking spaces to be provided by the development, what would the impact from these additional cars be upon the highway network?

- Traffic congestion along what is already a busy road, access visibility is poor.
- Data collecting of traffic flows flawed as local schools were undertaking training days and the road to Durham via Finchale Priory was closed to traffic at the time (November 2015).
- Scorers Lane is a dangerous stretch of road containing a blind summit and several half blind bends, which with national speed limit and increase in traffic as a result of this development would lead to an even more dangerous stretch of highway.
- 120 vehicles entering and exiting the estate would be a concern particularly as the access is close to the blind bend with vehicles accelerating out of the village.
- Proposed drainage pond and the impacts for highways safety in such proximity to the main road. It is queried if safety barriers are proposed.
- Site lines for the proposed new access should be to the correct distances.
- New bus stops and laybys should be included as buses pass the frontage of the development.
- New housing would generate additional traffic around the primary schools of village.

### *Design, layout and scale*

- These extra houses would have an impact upon the character of the village and it would be in danger of losing its village identity.
- Houses to the north east of the site would be elevated above that of the surrounding houses as the land rises in that direction and will dominate the skyline.

### *Amenity*

- Increased traffic, leading to more pollution and noise.
- Light pollution experienced by the residents opposite the proposed development site, by vehicles leaving the site.
- Tree planting to southern boundary of site would have a negative impact upon the daylight which would reach the houses of Trent Crescent.

### *PROW*

- Site has well used public footpaths across it in a rural setting.
- One of the last publically accessible fields left surrounding Great Lumley that is not worked and is a valuable community that would be devastated to lose it.
- PROWs altered and residents will find themselves walking through a housing estate

### *Drainage*

- Site is waterlogged in places all year round.
- Highway at the proposed access point regularly floods in moderate rainfall events covering both lanes of the road (Scorers Lane). Flood Risk Assessment lists the susceptibility of surface flooding as high.
- Top of Scorers Lane floods on a regular basis, and would become even worse if more land is developed.
- Field acts as sponge during heavy rain, delaying run-off to River Wear. Will new pond control this flow, and what happens when this is full, would the impacts be felt in lower land areas around Chester le Street.

## *Other Issues*

- Lumley Infant and Junior School already at capacity. Park View and The Hermitage Schools (secondary schools) already oversubscribed, with a number of children in the village allocated Belmont Comprehensive near Durham for September 2017.
- Increased strain on the doctors surgery from additional patients.
- Increase in crime and anti-social behaviour from new dwellings, a concern for elderly residents.
- The site is next to part of the Great North Forest.
- Little or no work for residents of the village as developer will employ own people.
- Land subject to constant subsidence which has been witnessed continuously over the last 5 years minimum.
- Proximity of housing to ponds would likely lead to more lives being put in danger as people have increased access to and knowledge of the ponds on the eastern boundary.
- Loss of green space used by walkers would be great loss to the community.
- Adversely impact upon and potentially destroy the existing habitat and natural environment that has been formed over many years on the unimproved pasture land.
- Birds have been seen in the ponds near the site, suggesting wildlife is present on the site.
- Wildlife in ponds adjacent to the east boundary and also in the fields would be affected by the proposals. Birds, amphibians and other wildlife all seen on or nearby the site.

## *Amended Plans*

A further consultation was carried out following the submission of additional plans and 11 further representations were received raising the following issues:-

- Removal of roadside hedge (Scorer's Lane) would take away habitat used by birds, bats, small mammals etc.
- Vegetation planted between new development and Trent Crescent would block light to bungalows if it includes large trees etc.

## Support

57. The matters raised by the 1 letter of support to the proposal are summarised below.
- Proposed design is sympathetic to the surrounding environment, in that the layout allows for the retention of half of the recreation space for use by villagers.
  - Great Lumley is a desirable place to live and existing residents often find it difficult to move the housing ladder as housing is hardly come on to the market.
  - Unlike most housing developments, this proposal provides a lot of green area landscaping which will complement the retained 'wild' field in terms of habitat, particularly the SuDs area.
  - Never issues with getting an appointment at the doctors surgery while a resident of the village of the last decade.
  - A competent contract involved in the development would likely see the resolution of the flooding issues to Scorers Lane area.
  - Changes would result in immediate highway network as a result of the development which should hopefully be to the benefit of highway safety.

## APPLICANTS STATEMENT:

58. In considering the appropriateness of the site for development it is relevant to consider the settlement status of Great Lumley. The Lumley Centre provides a range of community services, well beyond those that could be classified as 'simple' and plays a pivotal role in the community. It is the view that Great Lumley provides both the role and function of a Smaller Town/Larger Village and therefore should be considered as such in the determination of this planning application. For settlements, such as Great Lumley to be sustainable and resilient sensitive growth must be appropriately encouraged.
59. The site can be delivered in the short-term bringing forward a mix of dwelling types, including affordable housing, to meet identified local need and to diversify and extend the choice of housing on offer in the locality. The proposals are appropriate for the scale and character of the village and will not harm its setting or lead to widespread development in the countryside.
60. The proposals constitute sustainable development in a sustainable location. The site is accessible to the local and wider area. Further, there is good pedestrian connectivity to local nearby services and facilities. As the Council cannot demonstrate a 5 year supply of housing the NPPF's presumption in favour of sustainable development applies.
61. In granting planning permission, the Council would facilitate the creation of high quality scheme that will address local housing need in a wholly suitable and appropriate manner.
62. Further, with regard to social sustainability the proposals will:
  - Assist in the delivery of affordable housing to meet local need (including an identified need for starter homes);
  - Assist in the delivery of housing in a highly accessible location, well connected to the built form of Great Lumley; and
  - Grow the population to help sustain longer term village vitality for example shops, local restaurants and school places.
63. In terms of economic sustainability the proposals will:
  - Provide an injection of £8.2m of private sector capital, which will deliver just under £4.4m in local GVA per annum over the 2.5 year build period;
  - Support 30 temporary direct construction jobs per year of construction and 50 indirect and induced 'spin off' jobs in the supply chain, local shops and services;
  - Attract new households to the area, delivering a £380,000 in first occupation expenditure and a further £430,000 in net additional expenditure per annum in the local economy that could help to support in the order of 6 FTE jobs in new and existing local businesses; and
  - Generate £500,000 in New Homes Bonus Payments and £135,000 in increased annual Council Tax revenue for Durham County Council.
64. In environmental sustainability terms the proposals will:
  - Manage surface water drainage and will not increase the risk of flooding elsewhere;

- Incorporate mitigation measures to ensure habitats are enhanced and retained; and;
- Incorporate native species into the planting scheme to increase the value of the site, significantly enhancing the landscaping to the north of the site.

65. In view of the above and in accordance with the advice in the NPPF on 'decision taking', we consider that the application should be approved at the earliest opportunity.

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

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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66. 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 impact and layout and design, highway safety and access, public rights of way, affordable housing, residential amenity, public open space, flood risk and drainage, ecology and other matters.

The Principle of the Development

*The Development Plan*

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

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

*The NPPF*

69. 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.

70. 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.
71. 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.

#### *Five Year Housing Land Supply*

72. 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, then housing policies in a Local Plan cannot be considered up to date.
73. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 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)
74. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
75. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
76. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.

77. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
78. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

#### *Assessment having regards to Development Plan Policies*

79. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies (Policy HP6) therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. The prescription of how much weight should be given to such policies in the decision is a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
80. CDLP Policy HP6 supports the principle of residential development on non-allocated sites within settlement boundaries and to previously-developed land. This application site lies outside of the settlement limit of Great Lumley as defined by Policy HP6 and is also greenfield, however, restricting housing to previously developed land within settlement limits is not consistent with the NPPF and so the policy cannot be considered up to date in accordance with Paragraph 14 of the NPPF or afforded full weight, in accordance with Paragraph 215 of the NPPF. Subsequent requirements contained within the CDLP will be assessed within the appropriate sections below.
81. Consequently, and as there are no restrictive policies which would indicate that the development should be restricted, it is considered in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF, and specifically, whether any adverse effects would significant and demonstrably outweigh the benefits.

#### *Locational Sustainability of the Site*

82. The County Durham Settlement Study (2012) is an evidence based document which categorises Great Lumley as a “Local Service Centre” within the County. These large-to-medium sized villages have access to fewer services than main towns and larger villages, but many have access to multiple shops, facilities and services such as primary schools and post offices which often service a wider area. These facilities would reduce a significant amount of trip-generation between settlements. It is considered likely therefore, that residential development in these settlements can be locationally sustainable, subject to specific site constraints.
83. The site also lies adjacent to, but beyond the settlement boundary identified within the CDLP, to the northern edge of the village. The centre of the village, with its junior school, doctors surgery, post office and shops, lies 500-700 metres from the application site in a straight line and at a reasonable walking distance. Bus stops and bus routes line Scorer’s Lane and also Front Street.

84. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. CDLP Policy T6 encourages the use of public transport and reduce the reliance upon the motor car, and is consistent with the NPPF. From the application site, bus stops to Scorer's Lane adjacent to Swale crescent lie around 350 metres from the farthest point of the application site. From here, buses operate on a four per hour frequency during day times Monday to Saturday, with a reduction to an hourly service on evenings and Sundays. These routes allow for access to Chester le Street, Sunderland and beyond.
85. As a result, it is considered that in the vicinity the site has access to a suitable level of services and facilities, more than adequate to serve the scale of development proposed, and that these are within relatively easy reach of the site. No objections are therefore raised having regards to the locational sustainability of the site and so adds weight in favour of the development in the decision making process.
86. The proposal is consequently considered to be in accordance with core principles of Paragraph 17 and also Paragraph 61 of the NPPF, which encourages the integration of new development through appropriate connections; and CDLP Policies HP9, T15 and T17, which are considered to be consistent the NPPF in this respect.

#### Landscape Impact, Layout and Design

87. CDLP Policy HP9 requires that developments should be designed and built to a high standard which provides an attractive and efficient residential environment that relates well to the built environment around the site, and which retains existing landscape features of the area. The Policy also gives direction upon housing densities and parking provision. CDLP Policy BE2 seeks a contribution to provide public art in publically accessible spaces, but does not discourage the incorporation of public art within developments where proposed. Parts 7 and 11 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. However, the somewhat prescriptive nature of CDLP Policy BE2 is at odds with the flexible nature of the NPPF.
88. 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. CDLP Policy HP9 again offers prescriptive guidance limits to specifics of the design and layout which is not consistent with the aims of the NPPF. Similarly, CDLP Policy BE2 has limited support from the NPPF but public art is supported by the NPPG. Overall, both Policies broadly build upon the NPPF and NPPG requirements and can be afforded weight in the decision making process. Therefore the key policy consideration in this matter is whether the site is read together well with the built environment and the surrounding landscape features, and represents good design.
89. The applicant has worked with officers to develop and improve the proposed layout and design, including the integration of the proposals in to the village through the layout and landscaping of the scheme. The layout is governed in its entirety by the presence of the a substantial easement (30 metres) due to the presence of a water main and sewerage pipe that link to and from the nearby water works to the south east of the application site.

90. Generally, there is considered to be a clear hierarchy of roads, including shared surfaces and private driveways, and is considered to be legible, and easy to navigate around. Overlooking of pedestrian links around and through the site are welcomed to improve security but also to provide a more aesthetic appearance to the layout of the housing.
91. In broad landscape terms, the position of the site to the north of the built edge of the settlement would result in some form of an adverse impact upon the wider landscape, considered to be of moderate significance by Landscape officers. The topography of the application site does not assist in reducing this impact and indeed elevates the north east corner of the site above the remainder of the village in this location. Landscape officers consider that housing in this location, as a result of the elevation change across the site would not be considered acceptable without some form of structure planting as mitigation for the impacts.
92. When viewed from the north, on the road leading from Castle Dene towards Great Lumley, the housing to the northern boundary would be prominent. As a result, Landscape officers have requested that a 15 metre (minimum) deep structure planting area to reduce the impact of the development from this vista, which can be secured through planning condition. From this viewpoint, to the western side of Scorer's Lane the housing at the 'Rivers' estate (Sherborne, Danelaw and Tintagel) is majority screened by the woodland associated with Brough's Gill. The structure planting proposed would have a noticeable effect within 10 years of planting and substantially screen the majority of buildings within around 15 years as outlined by Landscape officers, and would be considered to continue this green edge to the settlement and result in a framing of the village from this vista. Current large specimen trees reside along the field boundaries of Scorer's Lane and the land north of the application site. These are to be retained by this proposed scheme and form high amenity value and visually prominent trees.
93. Currently, to the western boundary of the application site on to Scorer's Lane is an agricultural field boundary that has lined the side of the lane to some degree since appearing on the first OS maps in 1860. The application originally proposed the retention of the hedge, acknowledging the value that hedgerows often bring in terms of visual amenity, wildlife etc. However, following the Council's internal Design Review process which assesses proposals against the Building for Life's 12 design criteria, the option to remove the hedge along its entirety of the application site boundary with Scorer's Lane was proposed. This was considered by the review to allow better integration of the proposed development with the village and would follow the pattern established opposite the application site to Sherborne. Landscape officer's broadly agreed with the recommendation of the Design Review to review the retention of the hedgerow and the latest revision of the proposed site layout omits the hedgerow. The omission has both negatives and positives and these would form part of the planning balance. Landscape officers consider that the extent of the hedgerow to be removed should be subject to final detailed design and agreement as part of the wider landscape proposals is a potential option.
94. Amenity open space forms a large proportion of the central western area of the site, which also includes a SUDs drainage feature. CDLP Policy BE2 requires contribution towards publically accessible art provision. However, the application proposes a large area of open space which could be utilised to provide publically accessible art on site and so a condition requiring full details and a timetable for its implementation would be suitable to satisfy CDLP Policy BE2.

95. Along the southern elevation, the application site lies adjacent the current built form of the village. Trent Crescent is a post-war estate of bungalows and the boundary is formed of an adopted public footpath. The proposed scheme would integrate well both through providing visual and physical links to the existing built area. Appropriate landscaping in this area would ensure that existing residents, some of whom would have enjoyed open vistas since construction, would see their amenity protected without causing an over bearing impact upon their outlook. The proposals would be subject an overall landscaping scheme secured by way of planning condition. The eastern boundary of the application would remain as an agricultural field boundary with associated hedging, the retention of which would form part of the wider landscaping scheme.
96. Appropriately designed and thought out street scene elevations to the proposed housing development would ensure that the close distance views of the development would be visually interesting and offer a high quality form of development that has taken into account the different aspects of the surrounding development to each boundary. Opening up of the western boundary would better allow assimilation of the development in to the urban environment and the northern boundary structure planting would continue the green views from the north. As such, the development would be considered to comply with CDLP Policies HP9 and BE2 and be an appropriately designed and visually interesting development. Compliance with Parts 7 and 11 of the NPPF therefore follows and on reflection adds weight in favour of the development in the planning balance which is considered below.

#### Highway Safety and Access

97. CDLP Policy T15 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. CDLP Policies T17 and T6 seek to ensure that safe, attractive and convenient footpath links are provided, and where appropriate, to serve new development and provide access to public transport. These Policies are considered consistent 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, except for Policy T15 which uses out of date guidance and so is only partially consistent.
98. 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.
99. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
100. The TA establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered "severe". The number houses proposed (70) would not result in traffic movements that would have a material highways impact upon the surrounding highway network. The proposed access point to Scorer's Lane is approximately at

the position of the current 30 mph speed limit signage. Following a speed survey from both the applicant, contained within the TA, and also the Council's Highways Authority, observed vehicle speeds were such that a 120 metre visibility splay is required in both directions. This can be achieved on the ground subject to ensure that some areas of vegetation remain cleared and hedging is maintained, and so a condition is recommended to ensure that the visibility splays are maintained in perpetuity. Subsequently, the proposal complies with Paragraph 32 of the NPPF in that the cumulative impact upon the highway network is not severe.

101. The proposed development provides pedestrian links to the south and west of the development site. These links serve to provide access to the predominant sustainable transport option in the area, the bus. CDLP Policy T17 promotes the increased access of new development to sustainable transport links, and with the surrounding bus stops to the south of the site, this proposal is considered to adhere to the requirements of the Policy.
102. Highways officers raise no objections considering that there would be no material highways impact. As a result, the impacts from the proposed development are considered insignificant and would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF. The proposals therefore comply with CDLP Policies T17 and T6 in regard to reducing private transport use through improved access to links and safe access to the highway network and Part 4 of the NPPF.

#### Public Right of Way

103. Paragraph 75 of the NPPF requires new development to protect and enhance public rights of way. The application site is criss-crossed by two public rights of way (Footpath No.s 3 and 4 (Great Lumley)), running north to south and south west to north east.
104. The application proposes to accommodate these through a combination of adopted public highway and metalled surface footpaths along the route of the rights of way. Access and Rights of Way officers are satisfied that the new development would relate well to the rights of way off-site, but highlight the need to 'stop up' any footpaths that would be replaced by public highway. An informative of this requirement is recommended.
105. In light of the above, it is considered that the proposed development would protect the route of the existing public rights of way and access beyond the application site, and is therefore in accordance with Paragraph 75 of the NPPF.

#### Affordable Housing

106. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst CDLP Policy HP13 encourages developers to provide an appropriate amount of affordable housing, but is only considered to be partially consistent with the NPPF as issues of viability and housing market area requirements are outdated with the more up-to-date evidence in the Strategic Housing Market Assessment establishing a requirement for 15% provision, amounting to 10 dwellings.

107. The Housing Delivery Team has requested that this be delivered in the form of 75% affordable rent and 25% affordable home ownership (i.e. discounted sale). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990.

## Residential Amenity

108. CDLP Policy HP9 requires that the design and layout of development to have no adverse effect on the amenity of those living or working in the vicinity of the development site. This aspect of the Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. 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.
109. The indicative site layout for the housing element of the proposal demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings and between proposed properties can be achieved across the proposed development.
110. In terms of noise, the application is accompanied by a noise survey which identifies that the roadside boundaries of the site and has relatively high background noise environment during the day, primarily as a result of the local road network (Scorer's Lane). The Council's Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.
111. A noise assessment has been submitted with the application. Environmental Health and Consumer Protection officers have considered the report, and consider the methodology to be sound. The report concludes that the noise environment of the proposed development would adhere to relevant recommended threshold levels outlined under World Health Organisation (WHO) Guideline Values, and contained within the TANs, of no greater than L<sub>max</sub> 55 dB(A) during the day, subject to suitable mitigation to garden areas in the form close boarded timber fencing. Night time levels of L<sub>max</sub> 45 dB(A) are breached to various upper floor windows of the proposed dwellings, again primarily closest to Scorer's Lane, and mitigation in the form appropriate construction of the dwellings and use of double glazing provide sufficient mitigation against elevated noise from passing traffic. Environmental Health and Consumer Protection officers advise that this arrangement is likely to reduce the likelihood of statutory nuisance. Additionally it is considered that the level of amenity of available to future occupiers would be acceptable in accordance with the Council's TANs, subject to implementation of the mitigation strategy which can be secured by condition.
112. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. Residents have raised concerns over the times that construction would take place. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regard to these measures, the application is considered to be in accordance with CDLP Policy HP9, and Part 11 of the NPPF in this regard.

113. With regard to air quality, the application is accompanied by an air quality survey which finds that the impact of the development upon air quality once occupied to be negligible, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), is proposed, and can be secured by means of a planning condition. Environmental Health and Consumer Protection officers have considered the content of the report and find its methodology and conclusions to be appropriate. The application is therefore considered to be in accordance with CDLP Policy HP9 and T15, both being partially consistent with Part 11 of the NPPF in this regard.

#### Public Open Space

114. CDLP Policy RL5 seeks to ensure adequate provision is provided in new housing development. This Policy is considered only partially consistency with the NPPF as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's OSNA 2010 is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
115. 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. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, Play Space, and Semi-Natural Greenspace within the development as a result of the structure planting and the central area of open space. Therefore, improvements to existing areas of open space, sport and recreation spaces in the vicinity would be required by way of an in-lieu financial contribution of £55,440, and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.
116. The public open space proposed within the site would take the form of the large area set aside for the water main easement. This provides a focal point over which the applicant has provided an appropriate level of overlooking and which links with both Sherborne to the west and Trent Crescent to the south.
117. Overall therefore, the application is considered to be in accordance with CDLP Policy RL5 and Paragraph 73 of the NPPF with regards to the provision of public open space.

#### Education

118. Residents of Great Lumley have raised concerns over school places, both within the village and beyond, and the availability of places for their children should the proposed development be approved.
119. The School Places Manager has advised that the proposed development is likely to generate an additional 9 secondary age school pupils, and 21 primary age pupils. There is sufficient existing capacity at local primary schools in order to accommodate demand from this development. However, there is insufficient capacity at secondary level, at Park View Academy, the nearest school, and The Hermitage Academy. It would therefore be necessary to expand secondary provision at either school in order to mitigate the impact of the development. The School Places Manager has advised that additional capacity could physically be provided on the basis of a

financial contribution being provided by the developer. A contribution of £147,096 is therefore required in order to provide additional capacity for secondary school pupils in the Chester-le-Street area and this would be secured by means of a planning obligation.

120. In addition, the Schools Places Manager advises that valid applications from residents within the village, and also County, would receive a place within the two schools over pupils from outside of the County (i.e. Gateshead and Sunderland Council areas).

#### Flood Risk and Drainage

121. 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.
122. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
123. The FRA identifies that site is at low risk of flooding from fluvial, groundwater and sewer sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. Overland flows would form the highest potential threat to flood risk for the site, with the application site lying within an area of high risk primarily due to the lack of surface water course, the topography of the southern part of the site, and the waterbodies that lie to the eastern boundary. Mitigation is proposed to address this within the FRA and includes the creation of a 'positive drainage network' so that all rain water collected on site is attenuated all within the application site boundaries before release in to the wider drainage system.
124. This will take the form of a large drainage attenuation basin within the central area of open space, this will in times of larger rainfall events delay the release of surface water in to the wider drainage system but also will collect water associated with the overland flows highlighted above resulting in a betterment to the flood risk of the existing carriageway (Scorer's Lane) and surrounding dwellings. This would be achieved through re-profiling of the overland flow route across the site so that it is collected at the attenuation basin, in effect creating a channel as part the open space area which would protect existing and proposed dwellings. Newly proposed dwellings in the vicinity of the overland flow will also have higher floor levels to protect against possible future flooding. Existing housing to Trent Crescent already lies at a higher level than the land to the north which forms the application site.
125. Disposal of surface water from the attenuation basin would be achieved through discharge into Brough's Gill watercourse 120 metres to the north west, a viable option to discharge the surface water in line with the hierarchy of preference.
126. The greenfield run off rate of 18.1 l/s is proposed, calculated from the size of the site and the indicative run off from an agricultural field (as current). Discharge into the adjacent Brough's Gill is proposed, however, surface water attenuation will required to ensure this rate can be achieved and is proposed in the form of a SUDs scheme,

which will prevent external flooding for both 1 in 30 year floods and up to 1 in 100 flood events.

127. The Council's Drainage and Coastal Protection officers have indicated that the development would adhere to the surface water management train to some degree by proposing source control (filter drains and hard surface soakaways) and the inclusion of a SUDs basin within the scheme. However, the development does not propose the use of overland water channels (swales) to transport surface water across the scheme to the attenuation basin. The applicant has explained that the sewer easement within the site precludes artificial channelling of water across the easement and so cannot be proposed. Officers advise that the SUDs structure would be adopted and maintained by the Council, in accordance with the SUDs Adoption Guide 2016, with costs being met through an estate rent charge.
128. With regard to the disposal of foul waters, Northumbrian Water raises no objection. A condition can be added in the event of an approval to ensure a suitable means of connection and rate of discharge.
129. The development, while not securing all aspects of the Council's surface water management train does secure a suitable scheme of surface water drainage overall that would ensure that the development would meet the required greenfield run-off rate. The submitted drainage scheme accounts for the high risk overland flows present to the south of the site and would achieve a suitable level of surface water attenuation that is considered acceptable and compliant with Part 10 of the NPPF.

## Ecology

130. The closest sites of nature conservation interest is the Brough's Gill Wood Local Wildlife Site (LWS) located 70m to the north west of the application site across Scorer;s Lane. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
131. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low. Ecology officers have considered the content of the submitted information and have advised that the methodology and findings are sound, with the mitigation measures being secured by way of condition.
132. The development of an agricultural field site would result in the loss of the original habitat, however the proposed development does propose positive ecological features in the form of the green space through the site, use of SUDs, woodland buffer and hedgerow retention to the east. Ecology officers have however raised concerns that despite the above these proposals would still result in a net loss of biodiversity as the amount of habitat created or enhanced is not of equal standing to that lost through the development. Assessment of these biodiversity losses by the Ecologist has resulted in the requirement of compensation and as this cannot be achieved fully on site the applicant has agreed to provide a financial contribution of £24,235.54 (secured by means of planning obligation) towards the creation of 2ha of species rich grassland. Combined with the proposals for the application site the application is considered to result in no net loss of biodiversity in regard to Paragraph 109 of the NPPF.

133. Mitigation within the submitted ecology survey proposes bat and bird nesting boxes to newly built properties and trees / vegetation in the vicinity and Ecology officers are satisfied within the proposed mitigation. Lighting within the scheme would have a potential wildlife impact and no details have been provided of proposed lighting in the development. It would therefore be appropriate to secure details of the proposed lighting scheme by way of condition.
134. Having regard to these proposed mitigation measures, the development would, it is considered, lead to an overall enhancement in biodiversity in accordance with the aims of Paragraphs 109 and 118 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

#### Heritage Impacts

135. The application site does not lie within any designated heritage assets. The closest asset, Lumley Park House (Grade II), lies 900 metres to the north west with no direct visual relationship with the site as a result of topography and woodland cover. Consequently, it is considered that there would be no harm upon the designated heritage asset. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
136. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site.
137. Paragraph 134 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 12 of the NPPF.

#### Other Issues

138. 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 4.19ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Natural England classification maps for the North-East region do not make any classification of the site. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
139. In this instance it is considered that the amount of agricultural land (4.19 ha) to be lost is less than significant, even in event that the land is best and most versatile, it is nonetheless an adverse impact which should be given weight in the planning balance.

140. CDLP Policy HP15 expects developments to make contributions with regard to social, community and infrastructure facilities, and is fully consistent with the requirements of Paragraph 17 of the NPPF and its core principles and the thrust of the Policy is considered to be consistent with Paragraph 72 of the NPPF. The local community centre in the village is subject to an asset transfer process which would see the management committee take over running of the building and its upkeep. Comments were made by the Council's Partnerships and Community Engagement team following concerns raised by the community centre management team that the current building is in need of significant repair or potential replacement. The proposed development would bring new residents to the village that would in turn place increased demand upon the community centre. In order to mitigate this impact, the developer has proposed to contribute £50,000 to assist in funding a replacement community centre, or to repair the existing to off-set the impacts likely as a result of additional residents in the village utilising the centre.
141. As the proposals involve a sensitive end use of residential, the application site has been subject to Phase 1 study to assess the risk of contamination. These reports identify that some minor contamination is present and a suitable means to remediate has been identified. Environment, Health and Consumer Protection officers raised no objection to the proposal subject to a planning condition requiring the submission of further survey work to ensure that this contamination is correctly mitigated. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.

#### Planning Obligations

142. 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. CDLP Policy BE22 encourages the Local Planning Authority to enter into legal agreements to enhance the quality of developments, which is partially consistent with the above requirements of the NPPF. The proposed contributions towards education provision, improvements to biodiversity, offsite open space provision and community centre contribution are all considered to be in accordance with these tests, as is securing affordable housing.

#### Planning Balance

143. This proposal is considered to be outside of the established built edge of the settlement but located in a sustainable location with access to services and public transport. However, as a result of relevant policies being out of date, 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 the adverse impacts significantly and demonstrably outweigh the benefits.

#### *Benefits*

144. In light of the recent Government consultation document entitled "Planning for the Right Homes in the Right Places" and the likely change to the Council's position on five year land supply, the weight given to this boost in housing supply is marginally reduced but still carries weight in favour of the proposals nonetheless. Ultimately, it

is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if the Issues and Options scenario was still being relied upon.

145. The delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
146. Development of the site would not result in a net biodiversity gain as a result of a mixture of on-site habitat creation and contribution to off-site provision of 2ha of species rich grassland habitat. This is a benefit that weighs in favour of the development.
147. 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. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

#### *Adverse Impacts*

148. 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.
149. The development would result in the loss of agricultural land, however given the site of the site (4.19ha) this should not be considered an adverse impact even in the event that the land is best and most versatile.

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## **CONCLUSION**

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150. The development would conflict with CDLP Policies NE2 and HP6. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of its relevant policies, that the presumption in favour of sustainable development is engaged residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
151. It is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. However, due to the landscape mitigation proposed, for the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the CDLP.

152. 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.

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## RECOMMENDATION

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

- provision of 15% affordable housing units on site
- £147,096 towards the provision of secondary school places in Chester-le-Street
- £55,440 towards the provision or improvements to open space and recreation within Great Lumley Electoral Division,
- £50,000 towards the improvement of, or provision of a new, Great Lumley Community Centre,
- £24,235.54 towards offsite biodiversity improvements,

and subject to the following conditions:

### Time Full

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

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

### Plans

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

<i>Plan</i>	<i>Drawing No.</i>	<i>Date Received</i>
Tree Constraints Plan	ARB/AE/1084 - TCP	13 Jun 2017
Standard Distribution Substation Drawing		26 May 2017
Peony (3b det) Planning Layouts	A/1057/std/00/01 Rev B	26 May 2017
Peony (3b det) Planning Elevations	A/1057/std/00/02 Rev B	26 May 2017
Walnut (4b det) Planning Layouts	A/1199/std/00/01 Rev A	26 May 2017
Walnut (4b det) Planning Elevations	A/1199/std/00/02	26 May 2017
Rowan (4b det) Planning Layouts	A/1228/std/00/01 Rev B	26 May 2017
Rowan (4b det) Planning Elevations	A/1228/std/00/02 Rev B	26 May 2017
Maple (4b det) Planning Plans	A/1336/std/00/01 Rev B	26 May 2017
Maple (4b det) Planning Elevations	A/1336/std/00/02 Rev A	26 May 2017
Lilac (4b det) Portfolio Layouts	A/1394/std/00/001 Rev B	26 May 2017
Lilac (4b det) Portfolio Elevations	A/1394/std/00/002 Rev B	26 May 2017
Pine (4b det) Planning Layouts	A/1701/std/00/01 Rev B	26 May 2017
Pine (4b det) Planning Elevations	A/1701/std/00/02 Rev B	26 May 2017
Olive (2b semi/ter) Planning Layouts	A/759/std/00/01 Rev A	26 May 2017
Olive (2b semi/ter) Planning Elevations	A/759/std/00/02 Rev A	26 May 2017
Cherry (3b semi/ter) Planning Layouts	A/802c/std/00/01 Rev B	26 May 2017
Cherry (3b semi/ter) Planning Elevations	A/802c/std/00/02 Rev B	26 May 2017
Hornbeam (3b semi/ter) Planning Layouts	A/974h/std/00/01	26 May 2017

Hornbeam (3b semi/ter) Planning Elevations	A/974h/std/00/02	26 May 2017
Japonica (3b det) Planning Layouts	A/986/std/00/01 Rev D	26 May 2017
Japonica (3b det) Planning Elevations	A/986/std/00/02 Rev B	26 May 2017
Acacia (4b det) Planning Layouts	A/1550/std/00/01 Rev C	26 May 2017
Acacia (4b det) Planning Elevations	A/1550/std/00/02 Rev B	26 May 2017
Plane (4b det) Planning Layouts	A/1796/std/00/01 Rev B	26 May 2017
Plane (4b det) Planning Elevations	A/1796/std/00/02 Rev B	26 May 2017
Portfolio Garages	A/plcGa/00/001 Rev A	26 May 2017
1800mm High Wall & Close Boarded Fence	S6-D06	26 May 2017
Landscape Masterplan	5761-99-001 REV B	12 Sep 2017
Reprofiling of Existing Overland Flow Route	QD1131-00-03 REV C	12 Sep 2017
Drainage Strategy	QD1131-00-05 REV B	12 Sep 2017
Site Location Plan	413-BEL-001 REV B	16 Oct 2017
Proposed Site Access Arrangement	A091458-C001 REV F	16 Oct 2017
Proposed Site Plan	413-BEL-13-032-P01 REV C	23 Oct 2017
Boundary Treatment Plan	413-BEL-13-032-P03 REV C	23 Oct 2017
Visibility Splays	QD1131-00-07	23 Oct 2017

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, HP15, T6, T15, T17, RL5, BE2, BE22 of the Chester le Street District Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework.*

### **Pre-commencement**

#### **Tree Protection**

- No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

*Reason: In the interests of the visual amenity of the area having regards to Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

#### **Land Contamination**

- The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### **Pre-Commencement**

- A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater

contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

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

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 11 of the National Planning Policy Framework. The condition is required pre-commencement to ensure that the remediation works proposed are considered suitable by the Local Planning Authority.*

#### **Coal Authority Mine Shaft(s)**

5. The development hereby permitted shall not commence until a pre-commencement scheme of remedial work for the mine entry(s) on site has been submitted to and agreed in writing with the Local Planning Authority. Once agreed, work shall be undertaken in accordance with the approved details.

*Reason: Historic mine entries are recorded within or in vicinity of the site. The Local Planning Authority in consultation with the Coal Authority wishes to ensure that the risks to the future users of the land neighbouring land are minimised in accordance with Part 11 of the National Planning Policy Framework. The condition is required pre-commencement to ensure that the remediation works proposed are considered suitable by the Local Planning Authority.*

#### **Landscaping**

6. Notwithstanding the submitted information, prior to the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details of the amount of removal of the hedgerow to Scorer's Lane and other associated works;
- Details of the retention and improvement of the hedgerow to the east site boundary;
- Details of the proposed structure planting scheme to the northern boundary;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management and maintenance of all areas of open space in perpetuity.
- Details of all means of enclosures.

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

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester le Street Local Plan and Parts 7 and 11 of the National Planning Policy Framework. This condition is required pre-commencement to ensure that the structure planting and hedgerow works are considered suitable by the Local Planning Authority.*

7. Prior to the commencement of the development, full details of the proposed structure planting to the development and its future maintenance shall be submitted to and agreed in writing by the Local Planning Authority in accordance with the Landscape Masterplan (ref: 5761-99-001). The boundary structure planting shall be to a minimum depth of 15 metres to the north of the proposed housing development, shall be implemented during the first planting season following commencement of the development, and shall be retained in perpetuity thereafter.

*Reason: In the interests of the visual amenity and landscape impact and to comply with Policy HP9 of the Chester le Street Local Plan and Parts 7 and 11 of the National Planning Policy Framework. This condition is required pre-commencement to ensure that the structure planting works are considered suitable by the Local Planning Authority.*

## Site Levels

8. Prior to the commencement of the development, plans and sections setting out existing and proposed site levels and the finished floor levels of the dwellings proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

*Reason: In the interests of the visual amenity in accordance with Policy HP9 of the Chester le Street District Local Plan and parts 7 and 11 of the National Planning Policy Framework. This condition is required pre-commencement to ensure that the structure planting and hedgerow works are considered suitable by the Local Planning Authority.*

## Construction Management Plan

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

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

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

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

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

### **Archaeological Investigations**

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that 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.

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

*Reason: The site contains elements of archaeological interest which require further investigation and recording prior to the commencement of the development to comply with Paragraphs 135 & 141 of the National Planning Policy Framework.*

### **Time Limited**

#### **Archaeology recording**

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

*Reason: To ensure information gathered is publicly accessible comply with Paragraph 141 of the National Planning Policy Framework.*

#### **Highway Site Visibility Clearance**

12. Prior to the development being first occupied, the site visibility splay to the Scorer's Lane access, as depicted on proposed plan ref: QD1131-00-07 (Visibility Splays), shall be made available and all times thereafter cleared of obstruction (including no obstructions within the visibility splay greater than 1.05m in height). Details of any vegetation clearance or maintenance regime required shall be submitted to prior to the works being undertaken and shall be adhered to in perpetuity.

*Reason: In the interests of highway safety in accordance with Policy T15 and T17 of the Chester le Street District Local Plan and Part 4 of the National Planning Policy Framework.*

### **Lighting Strategy**

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

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

### **Travel Plan**

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

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

### **Public Art**

15. Within six months of the commencement of the development, a scheme for the provision of public art on site, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be implemented in accordance with the agreed details.

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

### **Other Conditions**

#### **Surface and Foul Surface Water Drainage**

16. The development hereby approved shall be carried out in strict accordance with the 'Flood Risk Assessment and Drainage Strategy, May 2017, Rev A (September 2017)' by Queensbury Design Limited.

*Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the National Planning Policy Framework.*

### **Noise Mitigation**

17. All dwellings hereby approved shall be constructed in accordance with noise mitigation measures as contained within "Noise Assessment Report BH/LSL/NA/04/16, v3 07.09.17 by QEM Systems Ltd" and fully implemented prior to the first occupation of each dwelling and retained in perpetuity thereafter.

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Policy HP9 of the Chester le Street District Local Plan and Part 11 of the National Planning Policy Framework.*

## **Ecology Mitigation**

18. The development shall be carried out in accordance with the mitigation outlined within the "Preliminary Ecological Appraisal, Scorer's Lane, Great Lumley, May 2017".

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

## **Working Hours**

19. 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 Policy HP9 of the Chester le Street Local Plan and Part 11 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- County Durham Settlement Study (2012)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance

- Chester le Street District Local Plan, 2003
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



**Planning Services**

DM/17/01757/FPA

Development of 70 residential dwellings (Use Class C3) with associated access, infrastructure, landscaping and open space

Land North East of Trent Crescent and East of Scorers Lane, Great Lumley

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**Comments**

**Date** October 2017

**Scale** Not to scale