



# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:**

DM/17/03214/FPA

**FULL APPLICATION DESCRIPTION:**

Erection of 65 residential dwellings and associated access, landscaping and engineering works (revised description 20/12/2017)

**NAME OF APPLICANT:**

Avant Homes

**ADDRESS:**

Land To The North East Of Hycroft, Benridge Bank, West Rainton

**ELECTORAL DIVISION:**

Sherburn

**CASE OFFICER:**

Laura Eden, Senior Planning Officer,  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application site is located to the north east of West Rainton village. The site is roughly rectangular in shape and comprises 2.7 hectares (Ha) of arable farmland. With regards to topography, the site slopes away from south-west to north-east and there is around a 14m change in level between the site's highest and lowest points. Trees and hedgerows are restricted to the site's boundaries.
2. A public right of way (Footpath No.2 (West Rainton)) runs alongside but outside the site's northern boundary with agricultural fields beyond. The site is bordered to the south and south-west by residential properties with the main extent of the village beyond. The east and south-east of the site is bordered by West Rainton Picnic Area and the A690.
3. The site is located 1.2km to the south of Joe's Pond Site of Special Scientific Interest (SSSI) and 1.7km to the east of Moorhouse Wood Local Wildlife Site. The Grade II\* listed Church of St Mary lies 280 metres to the west. The nearest conservation area to the site is located 3.1km to the south. Hallgarth Conservation Area and contains a Grade I listed Church and Grade II listed hotel and tomb stones. There are no landscape designation within or adjacent to the site.

### Proposal

4. The proposal seeks full planning application for the erection of 65 dwellings. The proposal includes 2, 3, 4 and 5 bedroomed properties which are all two storey and mainly detached. The materials palette proposed includes red, multi and buff brick and

tiled roofs. This includes 20% affordable housing provision comprising of 13 no. 2 and 3 bedroom homes located to the south east of the site. All properties feature off-street parking and rear enclosed gardens.

5. Access to the site is proposed via a new vehicle and pedestrian access point at the site's south-eastern boundary via Benridge Bank. A further pedestrian-only access is provided onto the existing public right of way to the north.
6. The layout provides 0.40 ha of open space in the form of a green open area at the site's northern boundary which would also accommodate a sustainable drainage system (SuDS). A landscaping planting scheme has also been submitted.
7. The application is referred to Committee as the proposals constitute major development comprising of more than ten dwellings.

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## **PLANNING HISTORY**

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8. There is no relevant planning history for this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

#### **LOCAL PLAN POLICY:**

*The City of Durham Local Plan (2004) (CDLP)*

20. *Policy E7 – Development Outside Settlement Boundaries* – seeks to protect the countryside, a finite resource, from inappropriate development and guide new

development towards sites within existing settlements in order to meet social and economic needs over the Plan period. Accordingly, development outside settlement boundaries will not normally be allowed.

21. *Policy E10 – Areas of Landscape Value* – is aimed at protecting the landscape value of the district's designated Areas of Landscape Value as well as landscapes outside of the designation.
22. *Policy E14 - Trees and Hedgerows* - sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
23. *Policy E15 – Provision of New Trees and Hedgerow* – encourages tree and hedgerow planting including in urban fringe areas.
24. *Policy E16 – Protection and Promotion of Nature Conservation* - seeks to protect and promote nature conservation.
25. *Policy E21 – Conservation and Enhancement of the Historic Environment* – states that the historic environment will be preserved and enhanced by minimising adverse impacts by development proposals.
26. *Policy E23 – Listed Buildings* – The Council will seek to safeguard listed buildings by not permitting development which detracts from their setting.
27. *Policy E24 – Ancient Monuments and Archaeological Remains* – seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
28. *Policy H3 – New Housing Development within the Villages* – permits new housing development within settlement boundaries of villages that include West Rainton.
29. *Policy H5 – New Housing in the Countryside* – permits new housing development in the countryside only where specific criteria is met and primarily has an agricultural or forestry justification.
30. *Policy H12 – Affordable Housing* – states that on sites of 25 or more dwellings or 1ha or more in size a fair and reasonable proportion of affordable housing will be provided.
31. *Policy H12A – Type and Size of Housing* – States that the type and size of dwellings will be monitored and where appropriate negotiation will take place with developers to provide the right housing types and sizes to ensure balance.
32. *Policy H13 – Residential Areas – Impact upon Character and Amenity* – protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
33. *Policy T1 – Traffic Generation – General* – states that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.

34. *Policy T5 – Public Transport* – The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
35. *Policy T10 – Parking* – States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
36. *Policy T21 – Walking* – states that existing footpaths and public rights of way should be protected.
37. *Policy R2 – Recreational and Amenity Space in New Developments* - states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development.
38. *Policy R11 – Public Rights of Way and Other Paths* – Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from the development which would result in their destruction or diversion.
39. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* - states that the layout and design of all new development should take into account the requirements of all users.
40. *Policy Q4 - Pedestrian Areas* - Requires that pedestrian area should be laid out and designed with good quality materials in a manner which reflect the street scene.
41. *Policy Q5 – Landscaping – General* – requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
42. *Policy Q6 – Structural Landscaping* – requires peripheral structural landscaping within sites located on the outer edge of settlement boundaries.
43. *Policy Q8 – Layout and Design Residential Development* - sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
44. *Policy Q15 – Art in Design* – Encourages the provision of artistic elements within new development.
45. *Policy U5 – Pollution Prevention – General* - states that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.
46. *Policy U8A – Disposal of Foul and Surface Water* – requires all new development to have satisfactory arrangements for foul and surface water disposal.
47. *Policy U11 - Development on Contaminated Land* - sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be

contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

48. *Policy U13 - Development on Unstable Land.* This policy states that development will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability or that satisfactory remedial measures can be undertaken.

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

The County Durham Plan

49. 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> (City of Durham Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

50. *West Rainton Parish Council* – Object to the proposal for the following reasons:

- The reduction of the cultural entity of the village
- The movement towards the creation of a small town despite local objections
- The adverse impact on endangered wild life and Rainton Meadows Nature Reserve
- Possible contamination from as yet undiscovered historic mining operations
- Destruction of archaeological heritage
- Possible lack of capacity in the village medical practice
- It is contrary to the wishes of parishioners obtained during the Parish Plan Consultation Exercise
- Possible lack of sewage and surface water drainage capacity.
- Increased traffic flow resulting in difficulty in accessing the A690 and exacerbating existing parking issues in the village
- The proposed development is not included in the City of Durham Local Plan

51. *Highway Authority* – Has no objection considering that the highway network can satisfactorily accommodate the additional traffic that would be generated by this proposal. An appropriate means of access, site layout including parking arrangements and betterment scheme onto on Benridge Bank and the A690 has been agreed.

52. *Drainage and Coastal Protection* - Raises no objections, subject to the imposition of a condition to adhere to the proposed drainage strategy.

53. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to adhere to the proposed drainage strategy.
54. *The Coal Authority* – Raise no objections.

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

55. *Spatial Policy* – The starting point for determining the acceptability of the planning proposal is the Development Plan, in this case the City of Durham Local Plan (CDLP). Policy H3 defines a series of ‘settlement boundaries’ for main towns and villages to indicate where new development is permissible. The implication is that housing development would normally be approved where it lies inside of the boundary to help contain settlements and prevent sprawl into the surrounding countryside. Policy E7 deals with development in the countryside and outlines a number of exceptions where development would be permissible. Policy H5 seeks to restrict new housing within the open countryside unless there is just justification for it. As this site lies adjacent to the settlement it is not considered that this policy is relevant to the assessment of this proposal. Overall, the proposal draws no support from the relevant local plan policies and the principle of developing the site is not considered to be consistent with the development plan as a consequence.
56. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
57. Where a Planning Authority cannot demonstrate a five year supply of deliverable housing sites, Paragraph 49 of the NPPF stipulates that policies for the supply of housing should be considered out of date. Furthermore, where policies are based on housing figures that do not represent an up to date objective assessment of need they can be considered to be ‘out of date’, irrespective of 5 year housing land supply position. In this regard it is highlighted that the settlement boundaries defined by Policy E7 are based on a consideration of housing need up to 2006.
58. 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 significantly and demonstrably outweigh the benefits. This is considered below but in summary no significant and demonstrable adverse impacts have been identified which outweigh the benefits of approving this scheme.
59. *Design and Conservation* – Raises no objections. A planning condition is suggested requiring the submission of material samples, window and door details.
60. *Landscape* – The site lies within a Landscape Improvement Area as defined in the Durham Landscape Strategy but not within any nationally or locally designated landscapes. The development of the site for housing would have a transformative and significant adverse impact on the immediate local landscape. Due to the site’s elevation position, the fall of the land and its location to the north east of the built edge of the village would result in an adverse impact upon the wider landscape through

distant views. The mitigation planting to the north western site boundary would assist in reducing this impact over time. If the principle of development is considered acceptable the submitted landscaping scheme is acceptable. There are some concerns regarding the relationship between the retaining structure and adjacent PROW. The treatment of this could be altered so it had a more rural rather than suburban appearance. Overall there would be some adverse landscape and visual impact which needs to be considered in the planning balance.

61. *Arboriculture* – Whilst a number of trees would need to be removed these are not of a quality to warrant individual or collective protection. Of the trees and hedges that are to remain the protection measures outlined are considered to be acceptable and should be secured by condition.
62. *Ecology* – Satisfied with the outcome of the preliminary ecological appraisal which confirms that there are no protected species on site; therefore, no further survey work is required. Whilst there would be a loss of original habitat this would be satisfactory on-site mitigation is proposed which would lead to an overall enhancement in biodiversity providing net gains. Subject to conditions being imposed to secure the implementation of the mitigation measures outlined within the ecology report and also the agreement of a maintenance regime for the areas of open space offers no objection to the proposal.
63. *Environment, Health and Consumer Protection (Noise and Odour)* – Raise no objection subject to conditions to secure the sound attenuation measures detailed in the noise assessment and the agreement of a construction management plan.
64. *Environment, Health and Consumer Protection (Contaminated Land)* - Raise no objections subject to a condition requiring Phase 2 site investigation works onwards. To avoid the need for a pre-commencement condition the applicant has submitted a further report which is currently under consideration. It is expected that this matter will be resolved in time for the Committee meeting where a verbal update will be provided.
65. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objection noting that the submitted air quality survey finds that the impact of the development upon air quality once occupied to be negligible. The Dust Management Control Plan, submitted to take account that the construction phase may give rise to dust, is considered to be sufficient to mitigate the impacts of the development. It may be necessary to update this once working methods and plant to be used have been clarified.
66. *Housing Delivery* - Advise that the scheme should provide a minimum of 20% affordable housing. This should be delivered as a mix of tenure with 70% for affordable rent and 30% for affordable home ownership. Would ideally like to see this as a mix of 2 and 3 bed properties.
67. *Access and Public Rights of Way* – Raises no objection.
68. *Sustainable Travel* – Raises no objection, subject to securing a financial contribution secured to improve existing bus stop facilities in the village.
69. *Archaeology* – The programme of archaeological evaluation undertaken at the site have revealed no significant archaeological remains therefore offer no objection to the scheme.
70. *School Places and Admissions Manager* - Raises no objections. It is considered that the development is likely to produce 20 primary pupils and 8 secondary pupils. There

are sufficient primary places available, but insufficient places at the nearest secondary school. Consequently a contribution of £130,752 would be required for the provision of additional teaching accommodation.

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

71. *Police Architectural Liaison Officer* – Whilst the crime risk in West Rainton is low there is a disproportionate risk of burglary due to proximity to the A690 and the public footpath which runs to the north of the site. Limited natural surveillance of the open space and exposed rear gardens which may increase opportunities for burglary. There is also the potential for off-road motorcycles and quad bikes to misuse the footpath. Site boundary should be kept secure by retaining and reinforcing hedgerows and providing motorcycle barriers at the pedestrian links. The isolated location of the pumping station leaves it vulnerable to vandalism and graffiti.
72. *North Durham Clinical Commissioning Group* – The general practice services for residents of West Rainton are provided almost exclusively by West Rainton Surgery. West Rainton has recently submitted proposals for the reconfiguration and small expansion to their existing premises to increase clinical consulting space. These were initially costed at £213,000. Whilst grants may have been available to help fund these works the practice were unable to proceed as it was not affordable. The proposed development would have an impact on this surgery therefore NDCCG would welcome discussion regarding a developer contribution to help make the proposed housing expansion supportable from a health infrastructure perspective.

#### **PUBLIC RESPONSES:**

73. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 13 letters from ten neighbouring properties have been received objecting to the development.
74. The main concerns raised by objectors are summarised as:
  - Development not in character and keeping with the scale of the village or immediate area
    - Represents a further extension of the village especially taking into account the consented development to the west of the village for 150 houses. The proposal would represent urban sprawl by creating ribbon development extending along the A690. This would create coalescence between 'The Raintons' and the area would lose its village character.
    - Brings the boundary of West Rainton in closer proximity to the neighbouring authority of Sunderland
    - Two storey dwellings are out of keeping with this part of the village and it would be preferable to see the inclusion of bungalows to improve the housing mix and provide older persons accommodation
    - Capacity issues in GP surgery and schools
  - Landscape impact and ecology concerns
    - Encroachment into the countryside/urban sprawl
    - Impact on picnic area
    - Loss of ecology, habitat and biodiversity
    - Impact on Rainton Meadows wildlife reserve
    - Impact to the farmer through loss of farming land
    - The proposed buffer zone is inadequate to mitigate the landscape impacts of the development
    - Accessing the PROW will be less desirable

- The site lies within an area of high landscape value
  - There will be loss to existing hedgerows and the enhancement of the remaining is not considered sufficient mitigation
  - How will the future management of the open space be secured
- Non policy compliant
  - Contrary to the development plan
  - There have been a previous refusal on the site
  - Lack of affordable homes
- Highway safety concerns
  - Due to the close proximity of the proposed access to the A690 and existing bus stops. There is the potential that larger vehicles will find this difficult to navigate
  - That proposed access is to be situated opposite properties with existing vehicular accesses of Benridge Bank. These properties do not benefit from a footpath link to the village centre on their side of the road. Concerns that this will make exiting property by both vehicle and foot dangerous
  - Increased traffic which will make it more difficult to enter and leave the village on the A690
  - Lack of visitor parking which will contribute to cars parking on the roadside along Benridge Bank
- Impact on amenity
  - Overlooking
  - Disruption during the construction period especially if the two housing sites are built out at the same time
  - Loss of outlook
  - Loss of view of the countryside
- Drainage
  - Concerns if non mains drainage is proposed
  - How will foul flows be accommodated
  - A main drain runs through the site
  - If surface water drainage proposals are adequate to cope with the development proposed
- Ground conditions
  - Instability due to mining legacy
  - Land contamination and ground gas risks
  - Slope stability
- Heritage
  - Loss of archaeological resource
  - Loss of views of St Marys Church
  - Impact on the mining heritage of the area
  - Loss of historic boundary between West and Middle Rainton
- Sustainability of the site
  - No guarantee that future occupants would use local facilities and are more likely to commute further afield contrary to sustainable transport objectives
  - Existing lack of suitable bus stop infrastructure
  - Low carbon approach

- Other concerns
  - Accuracy of the red line boundary
  - There are covenants on the land
  - Considered to be flaws in the pre-application community engagement exercise undertaken by Avant
  - Property devaluation

#### **APPLICANTS STATEMENT:**

75. The starting point for the determination of this planning application is the City of Durham Local Plan. Whilst it is acknowledged that the Site falls outside of the settlement boundary for West Rainton, settlement boundaries are policies for the supply of housing, and therefore, given the age of the Plan and the evidence base upon which it was drawn and the lack of a demonstrable five year supply position, the settlement boundary is out of date, as confirmed by the Council's Planning Policy Officer.
76. In light of this, it is necessary to consider whether the proposed development is 'sustainable' as per the NPPF. In accordance with Paragraph 14 of the NPPF, proposals for sustainable development should be granted planning permission unless the adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits.
77. West Rainton is identified as a sustainable settlement within the Council's 2012 Settlement Study fulfilling a role as a '*local service centre*' due to its good level of facility and service provision. The site has access to the village's amenities and is accessible to the local and wider area, including Durham City Centre by public transport options. The proposals therefore constitute sustainable development in a sustainable location.
78. 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.
79. In granting planning permission, the Council would facilitate the creation of a high quality scheme that will address local housing need in a suitable and appropriate manner and will bring with it the following benefits:
  - Economic – The development will increase capital expenditure and generate a significant number of construction jobs. The new properties will generate new revenue for the Council in increase in revenue for the Council in the form of New Homes Bonus payments and increased council tax receipts. The new residents will also increase spending in the local area helping to support local shops and services. This is particularly important mindful of the CDLP's identification of West Rainton as a village in need of economic regeneration;
  - Social – The proposals provide a mix of quality homes of a mix of sizes catering for a range of people, in accordance with local requirements, and 13 affordable houses (equating to 20% provision). This will provide opportunities for residents to remain in West Rainton as their circumstances change and help attract new families to the village. Through the delivery of new quality homes in the village, the proposals will also assist DCC in addressing historic housing under supply;

- Environmental – The site is located in a sustainable location which is well served by buses and local amenities offering alternatives to travel by the private car and reducing travel distances. The site is currently used as agricultural land and, as such, the site is of relatively low importance for habitat with no endangered or priority species recorded at present. The majority of trees and hedges on the site are proposed to be retained and extensive open space and native planting is proposed in the layout which will improve habitat present and increase foraging and nesting opportunities for local wildlife.
80. Given the above, it has been demonstrated that there are no adverse impacts which would ‘significantly and demonstrably’ outweigh any benefits of granting planning permission and as such, the proposal benefits from the NPPF’s principle in favour of sustainable development and planning permission should be granted.

*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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81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out 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 where these are relevant to planning. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, landscape impact, layout and design, highway safety and access, affordable housing and housing mix, residential amenity, ecology, infrastructure and open space, flood risk and drainage, and heritage assets and archaeology.

### **Principle of Development**

#### *The Development Plan*

82. 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 City of Durham 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 the weight to be afforded to existing Local Plan policy should depend upon consistency with policies of the NPPF.
83. The CDLP was adopted in 2004 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 depending on the circumstances.

#### *The NPPF*

84. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

- 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.
85. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
86. 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 considered, at least in part, out-of-date as outlined above.

### *Five Year Housing Land Supply*

87. 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.
88. 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)
89. 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
90. 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.

91. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.
92. 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.
93. 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.
94. 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*

95. The site is situated outside the existing defined settlement boundary for West Rainton as defined by Policy H3 of the CDLP. Policy H3 defines a series of 'settlement boundaries' for main towns and villages to indicate where new development is permissible. The implication is that housing development would normally be approved where it lies inside of the boundary to help contain settlements and prevent sprawl into the surrounding countryside. The site lies outside of these settlement limits. Policy E7 deals with development in the countryside and outlines a number of exceptions where development would be permissible. Policy H5 seeks to restrict new housing within the open countryside unless there is just justification for it. As this site lies adjacent to the settlement it is not considered that this policy is relevant to the assessment of this proposal. Overall, the proposal draws no support from the relevant local plan policies and the principle of developing the site is not considered to be consistent with the development plan as a consequence.
96. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein, and referred to above, do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing or other out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.

97. 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 significantly and demonstrably outweigh the benefits. This planning balance is undertaken at the end of this report in light of considering all material considerations.

#### *Locational Sustainability of the Site*

98. With regards to the sustainability of the site, the County Durham Settlement Study (2012) is an evidence based document which categorises West Rainton as a 'Local Service Centre' (3rd tier settlement). This is on account that these large-to-medium sized villages have enough shops, facilities and services to constitute local centres. Many have key facilities such as primary schools and post offices and serve a function to a wider area. Whilst they may be less self-contained than larger villages and smaller towns/larger villages they do have enough facilities to significantly reduce the amount of trip generation between settlements.
99. The site lies on the edge of the settlement on its north east limits. The centre of the village with its primary school, doctors' surgery, post office, restaurant and shop lies within around a 1km from the application site boundary which is considered to be a reasonable walking distance. The nearest bus stop is located adjacent the site's entrance on Benridge Bank.
100. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. CDLP Policies Q2 and T5 advises that the council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport. These Policies are consistent with the NPPF and full weight can be given to them in the decision making process.
101. From the application site, the nearest bus stop on Benridge Bank lies around 450 metres from the farthest point of the application site. From here, buses operate a frequent service Monday to Saturday, with a reduction to an hourly service on evenings and Sundays. These routes allow for access towards Sunderland. The nearest south-bound bus stop is located some 600m further to the west of the site on Benridge Bank providing for routes towards Durham City Centre including Belmont Community School, and surrounding area. Sustainable Transport Officers have noted that an upgrade to existing bus stop facilities is required, and have requested a commuted sum be secured for its provision. A financial contribution of £6,000 towards the provision of upgraded bus stop facilities on Benridge Bank is proposed as part of this application through a planning obligation secured under Section 106 of the Town and Country Planning Act 1990 (as amended).
102. Paragraph 70 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The North Durham Clinical Commissioning Group (NDCCG) have advised that the West Rainton Surgery have recently submitted proposals for the reconfiguration and small expansion to their existing premises to increase clinical consulting space given current capacity issues. These were initially costed at £213,000 and whilst grants may have been available to help fund these works the practice were unable to proceed as it was not affordable. The proposed development would have an impact on this surgery

therefore a financial contribution would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. In this regard the applicant has proposed a financial contribution of £175,000 towards improving access to healthcare provision. A £50,000 contribution towards community schemes and initiatives to help mitigate the impacts that the additional population would have on community facilities within the village is also proposed. Both contributions being secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

103. As a result, it is considered that in the vicinity the site has access to a suitable level of services and facilities, adequate to serve the scale of development proposed, and that these are within relatively easy reach of the site, via non-car modes of transport. 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 connection as well as CDLP Policies Q1, Q2 and T5. These policies are considered fully consistent with the content of the NPPF and can be attributed full weight in the decision making process. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

#### Landscape Impact, Design and Layout

104. CDLP Policy Q8 requires that developments relate well to the built environment around it and which retain existing landscape features of the area. The Policy also requires adequate provision of open space and the establishment of a clear and defined road hierarchy. CDLP Policy H13 resists development will has a significant adverse effect on the character or appearance of residential areas or the amenities of residents. CDLP Policies E14 and E15 seek to safeguard existing trees and hedges and provide new trees and hedgerows as part of new development proposals. CDLP Policies Q5 and Q6 require a high standard of landscaping where a new development proposal would have an impact on the visual amenity of the area, and peripheral structural landscaping where the site lies on the outer edge of a settlement. These Policies are considered fully consistent with the content of the NPPF and can be attributed full weight in the decision making process.
105. 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. The aforementioned local plan policies can be attributed full weight due to their compliance with the NPPF in this regard. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, and whether it represents good design.
106. Landscape officers note that the site lies within a Landscape Improvement Area as defined in the Durham Landscape Strategy but not within any nationally or locally designated landscapes. The site does not lie in an area of High Landscape Value. Given that the land is in use as an arable field trees and hedgerows are restricted to the site's boundaries. It provides attractive views out to the countryside beyond. It offers little recreational value being farmland however there is a small copse and picnic area to the north east and Public Footpath (No.8 (West Rainton)) runs along the northern boundary. The position of the site to the north east of West Rainton would extend the settlement. Site level changes are evident across the site with the land

falling away around 14m from the south west to the north east corners of the site. This allows distant views across the north-western hemisphere. Views of the site would also be afforded from the A690.

107. The development of the site for housing would have a transformative and significant adverse impact on the immediate local landscape character appreciated most in views of the immediate locality. Due to the site's elevation position, the fall of the land and its location to the north east of the built edge of the village would result in an adverse impact upon the wider landscape through distant views. The development would however be read as an extension to the urban form of West Rainton but not necessarily affect the general character of the area to a substantial degree. To achieve a satisfactory means of access and the required sight visibility splays a section of existing hedging would need to be removed which increase views into the site. Some trees are also proposed for removal.
108. To mitigate the impact of the development a landscape proposal has been put forward which includes retaining and gapping up where necessary existing boundary vegetation with the exception of the section of hedging that is required to be removed to facilitate the access. A number of trees would need to be removed however these are not of a quality to warrant individual or collective protection. For those trees and hedges that are to remain a scheme to protect them during the construction period has been agreed with the tree officer which be secured by condition. As such there would be no conflict with CDLP Policy E14.
109. Additional native tree, hedge and shrub planting is proposed along the northern boundary along the Public Right of Way which as it matures will help to mitigate the impact of the development from long range views. It would also have the benefit of softening the appearance of the development including retaining walls from the users of the public footpath. Further planting is also proposed within the layout which it is considered will help 'soften' its appearance. If the principle of development is considered acceptable the landscape officer has confirmed that he accepts the landscaping scheme. Overall this planting would help to progressively reduce the impact of the development and improve the quality of the development in accordance with CDLP Policies E15, Q5, Q6 and Q8. A condition would be imposed to secure its implementation.
110. The applicant has submitted a Landscape Visual Impact Assessment which concludes that with the mitigation planting proposed the development would not result in significant landscape harm. The landscape officer's assessment is that there would be some adverse landscape and visual impact which needs to be considered in the planning balance. Overall the effect would not be significant therefore would not bring the proposal into conflict with CDLP Policy E10.
111. Policy H13 of the CDLP states that planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. CDLP Policies Q1, Q2, Q4 and Q8 list design features which will be encouraged within residential areas. In addition, saved Policy Q8 of this plan sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised. Policy Q15 encourages the provision of artistic elements within new development. These policies are reflected in Part 7 of the NPPF which also requires good design.

112. The area immediately surrounding the site entrance of Benridge Bank is characterised by a mixture of detached and semi-detached bungalows some benefitting from dormer windows. On this basis local residents have expressed concerns that the two storey dwelling proposed are not in character and keeping with their surroundings. The submitted site sections serve to demonstrate that given the site levels changes across the site and separation distances between the existing and proposed dwellings this would not be the case. The overall design of the estate is regarded as being well considered when taking into account the more challenging site constraints faced. In many instances the properties would benefit from an active frontage onto Benridge Bank and onto the adjacent PROW. The form, scale and elevational treatments of the house types proposed are all considered to be appropriate and in-keeping with the surrounding wider local character of West Rainton. Subject to a materials, doors and window condition being imposed no objection is raised by colleagues in the design section.

113. Amenity open space totalling 0.4ha is provided within the layout, principally in an area to the north-west of the site which also includes a SuDS drainage feature. Pedestrian access is provided to the open space from within the development and also from the adjacent PROW. A condition would be imposed to secure the future management and maintenance of this area. Overall, the proposal is considered to achieve the requirements of CDLP Q4 and Q8 in this regard. A condition will be imposed to secure artistic elements within the design and layout of the development in accordance with CDLP Policy Q15.

114. With regards to layout and design the development complies with the relevant CDLP Policies and Parts 7 of the NPPF.

#### Highway Safety and Access

115. A transport assessment has been submitted in support of these proposals due to the potential amount of traffic generated by the proposed development. This forecasts the proposed development as generating 36 (9in/27out) vehicle movements per hour in the AM and 34 (25in/9out) vehicle movements per hour in the PM. At this level it is considered that the increase in vehicle movements will not have any significant or severe impacts to the operational performance of the surrounding road network. This conclusion has been confirmed by the Highway Authority.

116. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe which is not considered to be the case. Furthermore, there is no conflict with CDLP Policy T1 which precludes development proposals that would result in a level of traffic detrimental to highway safety or which would have a significant effect on the amenity of occupiers of neighbouring property.

117. Notwithstanding the above, the developer is aware of concerns raised by local residents on highways grounds, and therefore has proposed an improvement/betterment scheme at the A690/Benridge Bank and A690/Chantry Place junctions in the form of a realignment and lining scheme. This scheme has been agreed by the Highway Authority and its implementation will be the subject of a condition requiring implementation.

118. The dwellings would be served by a new access road off Benridge Bank which the Highway Authority considers to represent a suitable and safe access complying with the required sight visibility splays. Following some amendments, the internal site layout is also considered to be acceptable and car parking would be provided in compliance

with the minimum requirements outlined in DCC Residential Car Parking Standards in accordance with CDLP Policy T10.

119. Public Footpath (No.8 (West Rainton) runs alongside but outside the site's northern boundary and would be unaffected by the development. The proposal provides a new link onto this to improve connectivity. As such the proposal would be compliant with CBLP Policies R11 and T21. Access and Public Rights of Way Officers raise no objection to the scheme.

120. Overall, it is considered that the development would not adversely impact on highway safety. There is no conflict with CBLP policies T1, T10, T21 and or Part 4 of the NPPF. These policies are considered either fully (T21 and R11) or partially (T1) consistent with the content of the NPPF and can be attributed weight in the decision making process. Though an applicable Policy, T10 is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy T10 are out of date. As a result the Policy is attributed very limited weight in the decision making process. The Highway Authority raises no objection to the scheme subject to the imposition of conditions and informatives. There would also be enhancement, in the form of a realignment and lining scheme. Furthermore, due to the site's sustainable location, good local footpath connections, the contributions to secure improvements to public transport infrastructure future residents of the site would have access to a range of sustainable transport options.

#### Affordable Housing and Housing Mix

121. In order to widen the choice of high quality homes and opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. CDLP Policy H12 also encourages developers to provide for a fair and reasonable proportion of affordable housing, and for an appropriate variety of house types and sizes. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 20% provision in Central delivery area, amounting to 13 dwellings in this case which would be delivered as a mix of 2 and 3 bedroomed homes on site. The Housing Delivery Team has advised that the affordable units should have a tenure mix of 70% for affordable rent and 30% for affordable home ownership. The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure this requirement.

122. In terms of housing mix, the development would provide a range of 2, 3, 4 and 5 bedroomed properties which would provide a mix of housing in compliance with CDLP Policy H12A and Paragraph 50 of the NPPF.

123. These policies are considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.

#### Residential Amenity

124. One of the twelve core planning principles of the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. CDLP Policy H13 of the states that planning permission will not be granted for new development that would have a significant adverse effect on the amenities of residents within them. CDLP Policy Q8 seeks to provide adequate amenity and privacy for each dwelling and minimise the impact on the proposal on existing residents.

125. Adequate privacy distances between dwellings are provided both internally and externally. Whilst two storey accommodation is proposed a change in land level is evident across the site which means the levels fall away from neighbouring properties. As such the development of this site for housing is unlikely to substantially diminish levels of residential amenity in terms of loss of outlook, light or privacy for existing residents. It is acknowledged that some properties may experience changes to the private views across the countryside that they currently experience however, this is not a material planning consideration.
126. With regards to the internal arrangements it is acknowledged that there are relatively significantly site level changes across the site. Full engineering details have been provided in support of the proposal which include the requirement for retaining walls. Furthermore the new dwellings would all benefit from private amenity space. These details are considered to be acceptable.
127. Environment, Health and Consumer Protection officers have highlighted the potential for disturbance during the construction period. It is acknowledged that some level of disturbance will be experienced by local residents during the construction however this can be controlled through the imposition of a Construction Management Plan which will seek to minimise any such impacts. On this basis it is not considered that the impact upon residential amenity would be reduced to an acceptable level. Having regard to these measures, the application is considered to be in accordance with CDLP Policy Q8 and Part 11 of the NPPF in this regard.
128. 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 dust. The Environment, Health and Consumer Protection Air Quality Officer has considered the Dust Management Control Plan which seeks to address this matter. Whilst the content of the report, its methodology and conclusions are considered to be appropriate a review may be necessary one clarification working methods and plant to be used have been clarified which can be secured by condition. Having regards to these measures the application is considered to be in accordance with CDLP Policies Q8, U5 and Part 11 of the NPPF in this regard which seek to protect amenity and minimise pollution.

## Ecology

129. Policy E16 of the CDLP states that development proposals should take account of any nature conservation interest within the site by providing appropriate surveys, avoid any unacceptable harm and provide mitigation measures where appropriate. This policy is considered to be compliant with Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and can be afforded weight in the decision making process.
130. The site comprises of arable land and there are no designations on site or within the immediate locality. The application is supported by a Preliminary Ecological Appraisal which confirms that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. Ecology Officers have confirmed that the submitted report is sufficient and that no further survey work is required.

131. The development of an agricultural field site would result in the loss of the original habitat. However the proposed development proposes positive ecological features in the form of the green space through the site including the creation of a wildflower area, use of SUDs, hedgerow retention and additional plan. Bird nesting boxes are also proposed within the ecology report. Having regards to the aforementioned the Council's ecologist is satisfied with the mitigation proposed which would lead to an overall enhancement in biodiversity providing net gains in accordance with the aims of CDLP Policy E16 and Paragraphs 109 and 118 of the NPPF. Policy E16 is considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process. Subject to conditions being imposed to secure the implementation of the mitigation measures outlined within the ecology report and also the agreement of a maintenance regime for the areas of open space the Council's ecologist offers no objection to the proposal.

#### Infrastructure and Open Space

132. Paragraph 72 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
133. The School Places Manager has advised that the proposed development is likely to generate an additional 8 secondary age school pupils, and 20 primary age pupils. Whilst there is sufficient existing capacity at local primary schools there is insufficient capacity at secondary level at Belmont Community College. It would therefore be necessary to expand secondary provision at the school in order to mitigate the impact of the development. As such, a contribution of £130,752 is sought in this regard, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
134. CDLP Policy R2 seeks to ensure adequate recreational and amenity space in new residential developments. This Policy is considered partially consistent with the NPPF and so can be afforded limited weight as whilst the objectives of the Policy remain in conformity, the standards have since been updated through the Open Space Needs Assessment (OSNA). The Council's OSNA is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
135. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, and Semi-Natural Greenspace within the development as a result of the structure planting and the central area of open space. Whilst the development is of a scale whereby play space could be provided on site as the Council would not be prepared to adopt any further play areas within the village a financial contribution would be sought to upgrade existing facilities. The development would generate a required contribution of £122,460 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.

#### Flood Risk and Drainage

136. 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. CDLP Policy U8A requires satisfactory arrangements to be made for the disposing of foul and surface water discharges. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.

137. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The proposed drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin to capture surface water in 1 and 100 year flood events to discharge to a local burn at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and permeable paving, which would help restrict runoff to greenfield rates before being discharged to a water course. The Council's Drainage and Costal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water similarly raises no objections
138. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
139. No objections to the development on the grounds of flood risk or drainage are raised having regards to CDLP Policy U8A or Part 10 of the NPPF.

#### Heritage Assets and Archaeology

140. A geophysical survey has been submitted which was followed by a trial trenching elevation of the site. This did not identify any significant archaeological remains. The Council's Archaeologist has confirmed that no further work is required and that no objection is raised. The proposal is therefore considered to comply with CDLP Policies E21 and E24 and Paragraph 128 of the NPPF. These Policies are considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.
141. The Grade II\* listed Church of St Mary lies 280 metres to the west of the development site and is the nearest designated heritage asset to the site. The Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
142. Whilst the Church of St Mary it does have a strong landmark presence within West Rainton and features in views from the A690 its role would not be affected by the development of this site. Furthermore, the church is already surrounded by housing development. Design and Conservation officers raise no objections to the proposal. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm.

143. It is therefore considered that the proposal would have no adverse impact on designated heritage assets within the vicinity of the site. The proposals would therefore accord with Part 12 of the NPPF and the requirements of CDLP Policies E21 and E23. These Policies are considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.

#### Other considerations

144. A preliminary Risk Assessment has been provided by the applicant in response to the sensitive end use of the site. The contaminated land officer agrees with the assessment and conclusion for Phase 2 site investigation works to be undertaken which would be secured through a planning condition. To avoid the need for a pre-commencement condition the applicant has submitted a further report. This is currently under consideration and it is expected that this matter will be resolved in time for the Committee meeting where a verbal update will be provided. The proposed development therefore complies with Policy U11 of the CDLP and Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks. This Policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.

145. The Coal Authority records indicate that there is a coal outcrop running through the site which may have been subject to historic unrecorded workings at shallow depth. The planning application is supported by a Preliminary Risk Assessment, which concludes that risk to the development from past coal mining activity is negligible. No further works in this respect are therefore recommended. The Coal Authority raises no objection to the proposal on the basis of the submitted information. The proposal therefore complies with Policy U13 of the CDLP and Paragraphs 109 and 121 that the site is safe and stable for future development. This Policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.

146. The loss of productive agricultural land must be weighed against the merits of the proposal. Paragraph 112 of the NPPF requires account to be taken of the economic and other value of the best and most versatile land. Where significant development is proposed, poorer quality agricultural land should be used rather than higher quality. This does not preclude the development of such land, but is a material consideration to be weighed in the balance. An Agricultural Assessment accompanies the application and demonstrates that the site is not best and most versatile agricultural land.

147. The proposal has generated some public interest, with a number of letters of objection having been received. The applicant has amended the red line boundary to take account of the neighbouring property's concerns. Property devaluation is not a material planning condition. All other objections and concerns raised by local residents have been taken account and addressed within the report. On balance, the concerns raised were not felt to be of sufficient weight to justify refusal of the application in light of the benefits of the scheme and the ability to impose conditions and secure a S106 legal agreement.

148. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards education provision, offsite open space and play provision, community schemes and initiatives, improved access to healthcare provision and improving transport infrastructure are all considered to be in

accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development, as is securing 20% on-site affordable housing.

### Planning Balance

149. As a result of relevant policies for the supply of housing being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, which states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in this Framework indicate development should be restricted. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

### Benefits

150. 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.

151. The development would include a provision of 20% affordable housing on site, which would equate to up to 13 affordable dwellings and would assist in improving the range and choice within the local housing market.

152. 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.

153. Similarly, the site would be accessible to, and help support, a range of local shops and services within West Rainton and the surrounding area which would contribute to the vitality of the area, and is again a benefit of the development that can be afforded some weight in favour of the proposals.

154. There would also be improvements to public transport infrastructure, which is considered a benefit.

### Adverse Impacts

155. The development of the site for housing would have a transformative and significant adverse impact on the immediate local landscape. Due to the site's elevation position, the fall of the land and its location to the north east of the built edge of the village would result in an adverse impact upon the wider landscape through distant views. The mitigation planting to the north western site boundary will assist in reducing this impact over time. Overall there would be some landscape and visual harm as a result of the development however this is unlikely to be significantly adverse.

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## **CONCLUSION**

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156. Paragraph 14 of the NPPF requires any adverse impacts of a proposed development to significantly and demonstrably outweigh any benefits, in order justify the refusal of planning permission. In this instance, it is accepted that there would be some adverse impact as a result of the development, and primarily, this would centre around its impact upon the landscape.
157. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of the landscape overall it is not considered that this would be significantly adverse as the development would be read as an extension to the existing settlement of West Rainton and the landscaping planting proposed would help to mitigate this impact. As such it is considered in this instance, that the landscape harm identified does not significantly and demonstrably outweigh the benefits that would arise. Accordingly, planning permission should be granted.
158. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised by local residents have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended).

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## **RECOMMENDATION**

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

- Provision of 20% affordable housing on site equating to 13 units;
- £130,752 towards education provision and providing additional teaching accommodation at Belmont Community School;
- £122,460 for improving offsite open space and recreational provision in Sherburn Electoral Division;
- £50,000 for community schemes and initiatives in West Rainton Parish;
- £175,000 for improving access to healthcare provision in West Rainton Parish;
- £6,000 for improving public transport infrastructure in the vicinity of the site;

And subject to the following conditions;

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

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

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

Drg. no. QD1359-06-01 Rev A Road construction received 18/01/2018

Drg. no. QD1359-05-01 Rev C Long sections 1 received 18/01/2018

Drg. no. WR\_SS\_02 Rev. # Site Sections Sheet 1 received 24/01/2018

Drg. no. 5176/ANS/001 Ashton received 07/02/2018  
Drg. no. 5176/COM/001 Cotham received 07/02/2018  
Drg. no. 5176/CRD/001 Cranford End received 07/02/2018  
Drg. no. 5176/DAY/001 Danbury received 07/02/2018  
Drg. no. 5176/HRY/001 Hartlebury received 07/02/2018  
Drg. no. 5176/KIM/001 Kirkham received 07/02/2018  
Drg. no. 5176/KIN/001 Kimlington End received 07/02/2018  
Drg. no. 5176/KIN/001 Kimlington received 07/02/2018  
Drg. no. 5176/MAN/001 Malton received 07/02/2018  
Drg. no. 5176/NOY/001 Norbury received 07/02/2018  
Drg. no. 5176/ROY/001 Rosebury received 07/02/2018  
Drg. no. QD1359-05-02 Rev E Long sections 2 received 07/02/2018  
Drg. no. QD1359-17-01 Rev D Section 104 layout received 07/02/2018  
Drg. no. WR\_MP\_01 Materials Plan received 25/01/2018  
Drg. no. WR\_LP\_01 Rev C Site Location Plan received 12/02/2018  
Drg. no. WR\_SL\_01 Rev R Proposed Site Layout received 12/02/2018  
Drg. no. D182.L.001 Rev K Landscaping Proposals received 12/02/2018  
Drg. no. WR\_SS\_01 Rev. D Site Sections Sheet 1 received 13/02/2018  
Drg. no. QD1359-04-05 Rev D Pond GA and Section received 13/02/2018  
Drg. no. QD1359-03-02 Rev H SUDS Location received 20/02/2018  
Drg. no. QD1359-03-01 Rev L Engineering Layout received 20/02/2018  
Drg. no. QD1359-04-01 Rev G External Works 1 received 20/02/2018  
Drg. no. QD1359-04-02 Rev F External Works 2 received 20/02/2018  
Drg. no. QD1359-04-03 Rev G Private Drainage 1 received 20/02/2018  
Drg. no. QD1359-04-04 Rev F Private Drainage 2 received 20/02/2018  
Drg. no. WR\_BT\_01 Rev F Boundary Treatments Plan received 27/02/2018  
Drg. no. JN1457-Dwg-0013C Site Access Arrangements received 27/02/2018

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

3. 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 or d are not required.

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

#### Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately

competent, experienced 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 NPPF Part 11.*

4. 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 future residents from the construction pollution to comply with H13 of the City of Durham Local Plan and Part 11 of the NPPF.*

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, have been protected in accordance with the details contained within the Arboricultural Method Statement (ARB/CP/1600) dated February 2018 by Elliott Consultancy Ltd and BS 5837:2012. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area having regards to Policies E14 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF.*

6. No dwelling shall be occupied until the offsite highway improvement works as detailed on Drawing. no. JN1457-Dwg-0014C has been implemented in full.

*Reason: In the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan and Part 4 of the National Planning Policy Framework.*

7. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy Q15 of the City of Durham Local Plan and Part 7 of the National Planning Policy Framework.*

8. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space including the wildflower planting within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance and to comply with Policies Q8 of the City of Durham Local Plan and Part 7 of the NPPF.*

9. All planting, seeding or turfing and habitat creation shown on drg. no. D182.L.001 Rev K of the approved landscaping plan shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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 will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policies Q5 and Q6 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF.*

10. The development shall take place in strict accordance with the Recommendations detailed in Section H of the Preliminary Ecological Appraisal (Ref: R03) by E3 Ecology Ltd dated November 2017.

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy E16 of the City of Durham Local Plan.*

11. Development shall be implemented in line with the drainage scheme detailed in Drainage Statement Rev. B dated 20/02/2018 by Queensbury Design Limited.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Part 10 of the NPPF.*

12. All sound attenuation measures detailed in the noise assessment (AH/BB/001) by dated 29/9/17 by LA Environmental Consultants shall fully implemented prior to the first occupation of any of the dwellings and permanently retained thereafter.

*Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with Q8 of the City of Durham Local Plan and Part 11 of the NPPF.*

13. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: To ensure high quality design to comply with Policy Q8 of the City of Durham Local Plan and Part 7 of the NPPF.*

- 13 Prior to the commencement of construction at damp proof course or above, window and door details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: To ensure high quality design to comply with Policy Q8 of the City of Durham Local Plan and Part 7 of the NPPF.*

## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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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)
- National Planning Practice Guidance Notes
- City of Durham Local Plan
- County Durham Strategic Housing Land Assessment
- County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



### Planning Services

DM/17/03214/FPA  
Erection of 65 residential dwellings  
and associated access, landscaping  
and engineering works (revised  
description 20/12/2017)  
Avant Homes, Land To The North  
East Of Hycroft, Benridge Bank, West  
Rainton

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Date  
13<sup>th</sup> March 2018

Scale  
Not to scale