



## County Planning Committee

**Date** Tuesday 6 June 2017  
**Time** 1.00 pm  
**Venue** Council Chamber, Council Offices, Spennymoor

---

### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 4 April 2017 (Pages 3 - 16)
4. Declarations of Interest
5. Applications to be determined
  - a) DM/16/04062/OUT - Land To The North Of Etherley Moor, Bishop Auckland, DL14 0JU (Pages 17 - 52)  
Residential development for up to 150 units with all matters reserved except access.
  - b) DM/16/03395/OUT - Land East Of Wigdan Walls Road, Woodhouses (Pages 53 - 86)  
Outline application for up to 320 residential units with all matters reserved except from access.
  - c) CMA/6/54 - Land To West Of Lane Head Farm Lanehead Lane Hutton Magna Richmond DL11 7HF (Pages 87 - 108)  
Proposed erection of 2 buildings, 1 storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory/office to create fertiliser for agricultural use with associated access and hardstanding.
  - d) DM/16/04067/OUT - Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ. (Pages 109 - 142)  
Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.

- e) DM/16/03448/FPA - East Durham Garden Centre, Easington, Peterlee (Pages 143 - 154)

Extension and refurbishment of existing garden centre and car park.

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

**Part B**

**Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**

Head of Legal and Democratic Services

County Hall  
Durham  
26 May 2017

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)  
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, D Hicks, I Jewell, C Kay, A Laing,  
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,  
P Taylor, M Wilkes and S Wilson

---

**Contact: Ian Croft**

**Tel: 03000 269702**

---

**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 April 2017 at 1.00 pm**

**Present:**

**Councillor K Davidson (Chairman)**

**Members of the Committee:**

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland, I Jewell, C Marshall, B Moir (Vice-Chairman), G Richardson, A Shield, A Turner and R Young

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Laing, R Lumsdon and H Nicholson.

**2 Substitute Members**

Councillor A Turner as substitute Member for Councillor H Nicholson.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meeting held on 7 March 2017 were confirmed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/16/03310/FPA - Land to the East of HMYOI Deerbolt and North of Bowes Road, Startforth**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 162 dwellings with associated highways, external works and new access roads and new car park and road link to HMYOI Deerbolt on land to the east of HMYOI Deerbolt and north of Bowes Road, Startforth (for copy see file of Minutes).

A Inch, Strategic Team Leader, gave a detailed presentation on the application which included a site location plan, site photographs, proposed layout and street scenes. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Strategic Team Leader informed the Committee that if the application was approved then there were some modifications to be made to the proposed Conditions as follows:

- Condition 2 - slight updates to the approved plans and documents, and
- Condition 11 – a change to the timing for the submission of the Travel Plan.
- S106 agreement – remove the reference to the voluntary scheme of targeted recruitment and training for the construction phases because this was voluntary and not necessary to make the development acceptable.

Councillor J Blissett, Town Mayor of Barnard Castle and Chairman of the Town Council addressed the Committee to object to the proposed development.

Barnard Castle Town Council objected strongly to the scale, nature and layout of the application with reference to the relevant retained policies of the Teesdale Local Plan, because there was little else in the local development framework to refer to.

The application and proposed development was contrary to policy GD1. The development should not be permitted because it was out of keeping with the character and appearance of the area and was without regard and inappropriate to the setting of neighbouring buildings, notably the Castle and Scar Top landscape features and open spaces of the surrounding area, particularly those bordering the River Tees. Officers had dismissed this.

The development would also generate unacceptable levels of traffic on the local road network, particularly Lartington Lane leading to the A67 crossing County Bridge and into Barnard Castle via Bridgegate. The report acknowledged the significance of this listed structure, but only in visual terms, not in terms of the additional wear and tear it would inevitably suffer and the danger this crossing point posed because of the close proximity of unsegregated vehicle and pedestrian traffic on the bridge.

The application and proposed development was contrary to policy BENV3. The proposed development would cause significant harm to the character, quality and distinctiveness of the landscape, particularly views from the Castle and Scar Top to the south. The history of Deerbolt, first as a military camp and latterly as a prison and Young Offenders' Institute, had gifted the town a green and lightly wooded open space which enhanced the setting of the Castle and the river. This development would take that away. It would impact directly and visually on the landscape and indirectly through increased vehicle movements.

The proposed development was of significant scale and was unsupported by amenities and local services easily accessible on foot and was consequently contrary to policy C1. Information supporting the proposal was outdated and inaccurate particularly with respect to primary school capacity. The lack of provision for schools, health centres and community facilities in Startforth and adjacent to the proposed development was key. The assertions in the report did not offer concrete evidence of the capacity of Barnard Castle to accommodate the additional people and service requirements generated by the development, but the growth was significant and the additional people and journeys would put a

significant stress on the existing infrastructure of the town, in particular on its many listed structures and scheduled monuments.

Taken together, the consequent pressure on Barnard Castle, and in particular the Barnard Castle Conservation Area, demonstrated that the proposal was contrary to policy BENV4. The proposal would generate excessive traffic, parking, noise and other environmental problems which would be detrimental to the character and appearance of the conservation area. In particular increased vehicle movements on the A67 and demands for additional parking in and around Barnard Castle would adversely affect the setting of a conservation area and therefore should not be permitted.

Councillor Blissett referred to Planning Application DM/16/02643/OUT for land to the north and east of Startforth Morrill Memorial School which was refused by the South and West Area Planning Committee on 23 March 2017. Reasons for refusal included that the development would have a significant harmful effect on the character and appearance of the area and setting of designated heritage assets, as well as to the setting and thereby significance of the Barnard Castle Conservation Area. The application was contrary to policy GD1, BENV3 and BENV4. These reasons for refusal were not materially different to this proposed development, which should also be refused.

Councillor Blissett asked the Committee to critically test the report's assertions on the lack of impact, which were not supported by evidence, and to seriously consider the policies of the Teesdale Local Plan which clearly opposed a development of this scale in this location.

Councillors R Bell and T Henderson, local Members, had made a representation on the application which the Clerk read out as follows:

*We do not oppose building on this site in principle, and there are positive elements of this scheme such as the affordable housing, and the retention of mature trees.*

*However we consider 162 units to be an over-development of this site for a village that has no amenities. In particular we would like to see less development where the site borders the Teesdale Conservation Volunteers site in Deepdale. TCV is a well-supported and regarded organisation, and carries out green waste collection on behalf of DCC.*

*We note the discussion of noise and odour at paragraphs 121 to 123 but consider that it is reckless of the developer to build houses where occupants are likely to suffer adverse amenity issues from a business that is already there. Paragraph 123 states it is likely that noise limits will be complied with, but "likely" means there is a reasonable probability they won't be.*

*It would not be responsible to give permission to build houses likely to give rise to dispute between TCV and their new neighbours and an Environmental Monitoring liability to Durham County Council, and for that reason we ask that these plans be rejected and a new scheme brought forward with a lesser number of units allowing*

*a more generous buffer zone between the new houses and TCV, perhaps with additional planting and specific noise reduction design elements.*

Mr M Bacon of Teesdale Conservation Volunteers (TCV) addressed the Committee to object to the application. The TCV had been carrying out composting operations as Rotters Community Composting on its site at Deepdale Woods for over 20 years. The site operated under an environmental permit and any dwelling within 250 metres of their operations site was deemed to be a sensitive receptor. There were currently only 5 sensitive receptors and this proposed development would result in an additional 150 sensitive receptors. Mr Bacon referred to monitoring which had taken place on 3 occasions while shredding operations were being carried out but informed the Committee that the shredding operations had not been carried out when this monitoring took place.

Mr Bacon informed the Committee that although Paragraph 121 of the report referred to lack of complaints about the site to date, there was currently not 162 houses on the doorstep of the site. Paragraph 122 of the report referred to the potential for odour from the site on an irregular basis and of limited duration and that this would fall short of being a statutory nuisance, this was on the basis of the number of complaints to date. However, there was a fear that this number would rise should this development take place and that this could create a statutory nuisance.

Mr Bacon informed the Committee that solutions to potential problems had been offered to the Homes and Communities Agency and to Kier Living but neither had shown any interest in these. Rotters currently had over 2,500 members and this development, if approved, would lead to the closure of the facility.

Luke Herring of Johnson Mowat, Planning and Development Consultants addressed the Committee in support of the application.

Mr Herring offered full support to the contents of the Officer's report and the recommendation. A lot of time and effort had been put into preparing this scheme, which had been designed in consultation with both the Homes and Communities Agency and Council Officers. The site had been included within the Council's SHLAA review for some time now and had long been earmarked as a suitable housing site that related well to the existing built up area.

The proposals had been discussed with Startforth Parish Council and, further to a comprehensive public engagement exercise including a local drop in event, there were only a small number of objections to the application.

The proposals had been peer reviewed by the North East Design Review Panel and had resulted in a high quality development that would retain a number of existing trees within the site and a strong green buffer along the eastern boundary. The applicant had undertaken a full Landscape and Visual Impact Assessment which demonstrated that views of the site would be heavily filtered by existing mature trees together with new planting proposed through a detailed Landscape Masterplan.

Mr Herring referred to the sustainability of the site and access to local services. Although the site was located within Startforth, it related well to the wider Barnard Castle area, identified as a Tier 1 settlement with access to a number of local schools, shops and services all within the preferred maximum walking distances suggested by the Institution for Highways and Transportation.

The development would provide a quality mix of 2, 3 and 4 bed homes that would appeal to both growing families and first time buyers together with the provision of 24 affordable homes. The application sought full permission and Kier Living anticipated that subject to a positive decision, the majority of the development could complete over the next five years, and could therefore make a good contribution to the District housing shortfall.

This was a high quality scheme that had been designed in conjunction with stakeholders and the local community which was reflected by the time taken in putting together an application.

There was a presumption in favour of sustainable development and the proposals had demonstrated no insurmountable technical issues. The development of the site would align with the Council's SHLAA and would contribute a range quality design new homes to meet the District's housing needs.

Mr Herring invited Mr Dawson of Wardell Armstrong to address the Committee with details of noise and odour assessments carried out. Mr Dawson informed the Committee that Wardell Armstrong had considered the issues of odour and bio aerosols as well as a noise assessment.

Six sniff tests for odour had been carried out throughout the year and the Environmental Health Officer and Environment Agency were happy with this approach and report produced. There had been slight or transient odour in 2 of the 6 tests but this odour quickly dissipated. There were no effects on background levels of bio aerosols.

Noise assessments had been carried out on 5 occasions when composting operations had been taking place, including shredding, and the road noise was dominant.

Local mitigations were proposed which included mitigations internally to the properties to address any noise levels.

The Strategic Team Leader addressed the issues raised as follows:

- The relationship of the development with Barnard Castle and the Conservation Area was limited because of mature planting and mitigating landscaping.
- Residents from the development would be reliant on Barnard Castle for services which could be accessed via the footbridge or the County Bridge. This would result in more people being in the Conservation Area.
- The school places and admission manager had advised that there were sufficient primary and secondary school places available in the area to accommodate pupils from the development.

- The relationship of the site to the TCV site – advice had been sought from the Environmental Health Officer who had considered the submitted Wardell Armstrong report, a peer review of that report provided on behalf of TCV, and a further report by Wardell Armstrong addressing the issues raised through the peer review. Having considered all of the information, the Environmental Health Officer had concluded that while odour and noise would not be eliminated, the effects would be slight and intermittent but not significant. The topography of the site, mature planting between the sites and proposed Condition 15 to mitigate noise internally within the properties, would address both the odour and noise issues.

Councillor Richardson informed the Committee that he could not support approval of the application. The development site was next to an established composting plant and also a Young Offenders Institute which could lead to future complaints from its residents. Roads in the area were too small to accommodate the extra traffic which would be generated and more traffic would need to cross the County Bridge. The development was too large for the Conservation Area and a recent nearby application in Startforth had been refused by the South and West Area Planning Committee because of its impact on the Conservation Area.

Councillor Boyes informed the Committee that he supported approval of the application, which was a well-designed development. Highways issues had been addressed at paragraphs 135 to 142 in the report and highways officers had offered no objection to the proposal.

Councillor Boyes informed the Committee he had attended the site visit the previous day and had walked to the top of the hill above the TCV site. The TCV site was far down in the valley and prevailing winds would send odours in a direction away from the development site. The development would bring 15% affordable housing, nearly £41,000 towards outdoor play space provision and would have a voluntary scheme of targeted recruitment and training for the construction phase. Councillor Boyes **moved** approval of the application.

Councillor Shield asked the distance between this site and the recently refused application in Startforth and also asked for the distance for receptors nearest to the composting area.

The Strategic Team Leader replied that the nearest property would be 75 metres from the composting site, although there was a significant difference in levels between the proposed housing and the composting site. The site of the recently refused application was shown on an overhead plan. The application had been refused on the grounds of coalescence between High Startforth and Low Startforth, increased open views with the Conservation Area and proximity to listed buildings.

Councillor Shield informed the Committee that the control of smells and odours was subjective and expressed concern that a green recycling licence could be revoked because of a lack of control of odours. He had concerns about the proximity to the site to the TCV site and asked which direction the prevailing wind was. The Strategic Team Leader replied that the prevailing wind was south-westerly, away from the site and towards the composting site.



Councillor Marshall informed the Committee that if the application was to be refused, valid planning grounds would be needed, and he did not consider these had been provided by either the objectors or the Town Council. The development would provide much needed housing for families. The Teesdale Local Plan was outdated and there was a need to follow the NPPF. The application met all planning requirements and was a well-designed scheme. Councillor Marshall **seconded** approval of the application.

Councillor Davidson referred to the houses already located near to the TCV site and asked how many complaints had been received regarding noise and odour. The Strategic Team Leader replied that there were 12 properties approximately 120 metres from the TCV facility and in the 14 years since the facility started operating only one unsubstantiated complaint had been received.

Councillor Clare informed the Committee that he was on the Committee which recently refused the application in Startforth. That application would have engulfed High Startforth and would have removed separation between Low and High Startforth. Although he appreciated there was a nervousness to developing a site between the Young Offenders Institute and the TCV site, there was already a development immediately to the west of the Young Offenders Institute which had been observed on the site visit. The density of housing proposed was 15 houses per hectare which was way below the development being able to be considered high density.

Councillor Moir informed the Committee that he had considered the application and the issues raised at the meeting, particularly Policies BENV4 and BENV11 in the saved Teesdale District Local Plan and NPPF Part 12. However, on balance, he supported approval of the application, and hoped that the business licence for the TCV site would continue.

Councillor Holland informed the Committee that this was a brownfield site as it had previously been developed. It was a sustainable development which would enhance the economy of Barnard Castle and he supported approval of the application.

Upon a vote being taken it was:

**Resolved:**

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

- provision of 15% affordable housing units
- a voluntary scheme of targeted recruitment and training for the construction phase,
- a contribution of £40,845 towards improving outdoor play space provision with Barnard Castle and Startforth Parishes.

and the conditions contained in the report, subject to amendments to Conditions 2 and 11.

Councillor Conway left the meeting.

Councillor Dixon joined the meeting.

**b DM/16/04048/OUT - Land At The East Of Moss Close Farm Pelton DH2  
1PG**

The Committee considered a report of the Senior Planning Officer regarding an outline application including means of access for the erection of up to 190 dwellings on land at the east of Moss Close Farm, Pelton (for copy see file of Minutes).

S Pilkington, Senior Planning Officer, gave a detailed presentation on the application which included a site location plan, aerial image, views across the site and an indicative masterplan.

The Senior Planning Officer informed the Committee that additional letters of objection had been received and there were now 54 letters of objection and 21 letters of support.

Councillor Bill Barrett of Urpeth Parish Council addressed the Committee to object to the application.

It was important to emphasise that the development fell within the geographical boundaries of Urpeth parish. Parish Councillors were extremely annoyed and disappointed that the Parish Council and the residents it served had not been given the same level of explanation or consideration that Pelton Parish Council or residents living in Pelton Lane Ends and Newfield had been afforded. Two consultation events were held that neither Urpeth Parish Councillors nor residents were invited.

The applicant first attended a Parish meeting at Urpeth on 15 November 2016 where they explained their plans to progress an outline planning application, which would include details of proposed house types on the site. At that point the Parish Council requested a percentage of bungalows be provided, approximately 15 in total. The applicant at that stage was proposing 6, which was more than currently being proposed. At the close of the meeting the Parish Council was advised that once the finer details regarding the layout of the development had been agreed a further meeting would be arranged with Parish Councillors to discuss proposals in more depth. The Council was also advised at this point that the outline application would be submitted in February/March 2017 when in fact this happened in December 2016.

The applicant did not come back to a Parish meeting until February 2017. It was subsequently agreed that Lewis Stokes would attend the March meeting to discuss the application further as there were still many unresolved issues. Unfortunately after the meeting in March there were still areas of concern that could not be answered by Mr Stokes and the Parish Council respectfully asked the applicant to defer the application until June, to enable those concerns raised to be addressed to

be addressed and for full consultation to be undertaken with Urpeth Parish residents. It should be noted that Mr Stokes at that meeting acknowledged that the consultation had not been undertaken as widely as it should or could have been.

The Parish Council and many residents were concerned that the applicant would not be developing the site should permission be granted. This would be a choice which the landowner could make to sell to any building company he chose and this caused great concern given the potential for further involvement of Persimmon in the area.

In conclusion the Parish Council respectfully requested the Committee to defer the application until unresolved issues had been resolved and further consultation with Urpeth residents been carried out.

Councillor Joyce Roberts of Pelton Parish Council addressed the Committee in support of the application. Ms Roberts informed the Committee that she was also Chair of the Chester le Street and District Business Association and Pelton Lane Ends Residents Association and a governor of Roseberry Primary School. All of which were supportive of this application.

The development site was a short walk to the shops within Pelton and residents of the development would help support local business. Pelton Community Centre, which was near to the proposed development, was a well-used facility and its use could increase if this development was approved. The development was easily accessible from the roundabout on the A693, and would provide a new cache of pupils for the Roseberry Primary School.

The applicant had attended meetings of the Pelton Parish Council and had kept local residents well informed of the application.

Councillor J Cordon, local Member was not able to attend the meeting but had submitted his comments as follows, which were read out to the meeting:

*'This important planning application for another 190 houses in Pelton certainly has my backing, even if I reside only a few hundred metres from the building space.*

*The Banks Group have responded well to community briefings, having appeared before Pelton Parish Council and Newfields Residents Association. They have been well received here in the local area, having explained their plans to us.*

*I would hope our Planning Committee could agree imposing work-start and finish times, as well as prohibiting big work vehicles from using Pelton Lane and the village as an entrance/exit route to and from the building site, protecting our Community Primary School and shopping area. The low bridge below the church should help ensure this though. There is an entrance to the building site from the A693.*

*We plan to establish a liaison group to monitor events during the construction phase, and, with goodwill from both sides, the minimum of fuss, mainly noise and muck, can be achieved. We need more houses for our people to live in.*

*This designated area has been earmarked for housing for a long time, and we need to crack on.*

Councillor Batey, local Member, addressed the Committee as a representative of local residents.

The proposed development was situated within Urpeth Parish whereas consultation had taken place within Pelton Parish.

While Councillor Batey was under the impression that residents in the near vicinity were largely in favour of this proposed development due to comments made by Pelton Lane Ends and Newfields Residents Association this was not the case. Councillor Batey informed the Committee that she had been contacted by numerous individuals, particularly after the publication of a second article in the Chester le Street Advertiser and the Northern Echo which had caused outrage particularly as the title implied local residents were in favour. This had not been helped by those organisations supporting the application benefitting from grants from the Banks Community Foundation after the outline planning application had been submitted.

There had been a significant number of accidents on the stretch of road leading from the modified roundabout at Pelton and Perkinsville up to the Newfield roundabout. Significantly there had been two accidents that had been graded as severe on 20 January 2012 and 11 September 2015. While these accidents took place prior to the modifications at the Newfield roundabout there was a significant risk that increased traffic flow would seek alternative routes including West Pelton at Greens Bank junction which had a fatal accident on 29 March 2016. Additionally, traffic seeking a route to the A1(M) northbound was likely to use the unclassified road from Baytree Terrace to Urpeth.

It was also significant that when the new roundabout was being installed the impact was major traffic congestion at the Pelton/Perkinsville roundabout. Phase 1 of the Persimmon development was not yet completed and Phase 2 not yet commenced, and it was therefore impossible to predict how many additional vehicles would travel on this stretch of road or what the impact was likely to be. Site traffic for two potential developments in an area that has in excess of 23,000 vehicle journey's also needed to be considered.

Another area of concern was the impact of the development on local health services. In most localities it was anticipated there would be adequate primary healthcare provision to cater for projected population change. However, last Friday evening a local GP commented that problems with appointments were exacerbated by recruitment issues. This was acknowledged by North Durham CCG who stated in their General Practice Forward View Implementation Plan that one of the challenges facing primary care within North Durham was the ability to attract high quality general practitioners into the area and GP recruitment was proving very difficult. Taking this into consideration it was highly likely that a development of this size would place significant demand on already under pressure service.

The Chester le Street Plan referenced retaining the Green Belt and would protect the setting of Ouston/Urpeth Grange and prevent the coalescence of Perkinsville, Pelton, Beamish and High Handenhold. A 2015 planning application for the erection of a single 4 bedroomed dwelling and two outbuildings on land to the east of Ravenscroft, Stoney Lane, Beamish was rejected on the grounds that the proposed dwelling 'causes harm to the openness of the Green Belt, and contrary to the reasons of including the land within Green Belt without the benefit of very special circumstances, contrary to Policies NE4 and NE5 of the Chester le Street Local Plan', and Part 9 of the NPPF.

Residents were extremely concerned about the availability of secondary school places as both Kevin Jones MP and Councillor Batey were dealing with cases where parents had not been granted either first or second choices of secondary schools. This site was only 400 yards from the site of the former Roseberry Secondary School that was closed and subsequently demolished. Both Chester le Street schools, Hermitage and Park View were oversubscribed by 50 children for each school, along with Lord Lawson a Gateshead school attended by other Urpeth children.

The Urpeth Parish Council had requested Banks to defer to the June Committee for this application to be considered because it was considered that letter s of opposition would materialise. However, nobody expected the strength of feeling and tension the Chester le Street Advertiser article would create.

Councillor Batey asked the Committee to consider the number of controversial developments in the local area, the goodwill of residents had reached saturation point. A site visit for this application had not been undertaken and given the number of objections this would have been advisable, especially regarding the concerns in relation to road infrastructure. Councillor Batey asked the Committee to defer the application until a site visit could be arranged.

Mr Lewis Stokes, Community Manager at the Banks Group addressed the Committee in support of the application.

The application site was sustainable and the Banks Group was experienced in bringing forward projects such as this. The site had social and economic viability and had been identified for housing in the previous County Durham Plan.

There were no technical reasons to refuse the application. The Banks Group had met and listened to local people and had attended meetings of both Urpeth and Pelton Parish Councils as well as holding 5 public consultation events at two locations. It was pleasing that Councillor Cordon had supported the application.

The design of the development would promote walking and cycling and would provide 15% affordable housing, over £250,000 towards open space and sports provision in the area, a new cycle link to connect to the Coast2Coast cycle route and £1.8m new homes bonus.

The Senior Planning Officer responded to the issues raised as follows:

- The location of Green Belt land was to the north of this development site and to the south was green field land, not Green Belt.
- Chester le Street Local Plan Policies had limited weight
- The NHS had confirmed that local buildings could accommodate additional demand which would bring additional revenue and funding schemes
- The school placement manager had advised that there was sufficient primary and secondary capacity, including North Durham Academy
- The recently received letters of objection raised no issues which were not already addressed within the report.

Councillor Jewell referred to school places. Many applications considered by the Committee received information from the schools places manager that there were sufficient places in an area, yet local residents contradicted this. He asked where the s106 money would be spent to help the community as the wider community was split between Urpeth and Pelton. The proposed development would bring with it some bungalows which were often asked for and there was a need for housing in the area. Councillor Jewell **moved** approval of the application.

Councillor Marshall referred to the insinuation that irregular funding had been provided through the Banks Community Fund and informed the Committee that the Fund was operated by the County Durham Community Fund, not Banks directly. The Fund was open to all across County Durham to apply to.

The Senior Planning Officer informed the Committee that the consultation carried out by the applicant was over and above what a developer would normally carry out. The s106 money was necessary to make the development acceptable and applications to draw down this money would be considered by the s106 Working Group.

The applicant confirmed that the Banks Community Fund, which had been in operation for 30 years, had made a donation of £10,000 to Pelton for the purchase of new gym equipment. However, the Fund was administered by the County Durham Community Foundation. Three drop in consultation events had been arranged at Pelton Community Centre during November and December 2016 and at the suggestion of Councillor Carr two further consultation events were held in Rosebery Primary school in December 2016 and January 2017.

Councillor Marshall informed the Committee he had a close affinity with the area. The applicant had carried out consultation over and above that which was expected and had consulted with people affected by the development. No planning issues had been raised. The development would be good for the local community and school and would help sustain the community and local businesses. Councillor Marshall **seconded** approval of the application.

Councillor Davidson informed the Committee that the Chester le Street local plan had been developed a long time ago, but the Green Belt was still standing.

Councillor Dixon sought clarity on the highways issues raised. J McGargill, Highways Development Manager replied that there had been two recent junction improvements at Pelton lane roundabout and Ouston Lane which had introduced

an elongated roundabout to reduce speed and the severity of accidents. The majority of vehicles using the A693 would travel towards the A1(M) and there would be an impact on Ouston Lane roundabout which would have capacity issues. The applicant had agreed to contribute towards a longer-term solution at the junction at Ouston Lane through the future introduction of traffic lights.

Councillor Boyes informed the Committee that the consultation by the applicant was over and beyond what was required. It was refreshing that community leaders were embracing a housing application.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of:-

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

and the conditions contained in the report.

**c DM/16/04052/FPA - British Oxygen Co., Vigo Lane, Chester-le-Street, DH3 2RD**

The Committee considered a report of the Senior Planning Officer regarding a hybrid application for full planning permission for the erection of 123 dwellings and associated access, landscaping and engineering works and outline planning permission, with landscaping matters reserved, for the erection of up to 80 dwellings on land at British Oxygen Co, Vigo Lane, Chester le Street (for copy see file of Minutes).

G Blakey, Senior Planning Officer, gave a detailed presentation on the application which included a site location plan, aerial image, views across the site and proposed street scene. The Senior Planning Officer informed the Committee that Gateshead Metropolitan Borough Council had objected to the application because of wider impacts on the Gateshead boundary.

Dominic Waugh of Fairhurst Engineering, agent for the applicant, addressed the Committee in support of the application.

Mr Waugh highlighted that the site was brownfield, inside a settlement boundary, and offered 15% affordable housing along with financial contributions towards ecology, public open space and an extension to the nearby Park View Secondary School.

Councillor Shield informed the Committee that the site had no greenfield, green belt or green wedge issues and there were no objections from either statutory or internal consultees. Councillor Shield **moved** approval of the application.

Councillor Jewell informed the Committee that the site was ripe for development. He asked about land contamination issues on the site and **seconded** approval of the application.

The Senior Planning Officer replied that the applicant and agent had worked on the land contamination issues and the Environmental health officer was pleased with progress. Condition 23 of the planning permission covered the issue of land contamination.

Councillor Moir informed the Committee that while he supported the application, it was essential that conditions must be strictly adhered to.

Councillor Holland supported approval of the application.

Upon a vote being taken it was

**Resolved:**

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

- provision of 15% affordable housing units on site
- £352,550 towards the provision of additional capacity at Park View Secondary School
- £203,000 towards the provision or improvements to open space and recreation within North Lodge Electoral Division,
- £22,000 towards biodiversity improvement at Waldrige Fell SSSI

and the conditions contained in the report.





## Planning Services

# COMMITTEE REPORT

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/16/04062/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Residential development for up to 150 units with all matters reserved except access
<b>NAME OF APPLICANT:</b>	Kenley Holdings
<b>ADDRESS:</b>	Land To The North Of Etherley Moor, Bishop Auckland DL14 0JU
<b>ELECTORAL DIVISION:</b>	West Auckland
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site consists of a largely squared shaped parcel of agricultural land located to the edge of the existing residential development of Etherley Dene, to the west of Bishop Auckland. The site extends to approximately 9.71ha in area and comprises greenfield land in an agricultural use, consisting of arable fields divided by mature hedgerows. The site gently slopes in a north south direction.
2. A public right of way (Footpath No.19 (Bishop Auckland) linking the existing residential development of Etherley Dene to the village of Escomb, along with a mature hedgerow, forms the majority of the northern boundary of the site. Agricultural fields and open countryside lie beyond. A second public right of way and mature hedgerow forms the eastern boundary of the site (Footpath No.6 (Bishop Auckland) linking the highway Etherley Moor to the open countryside. Beyond which lies the existing residential development of Beckett Close. The dwellings of 2-17 Etherley Moor are located adjacent the south eastern corner of the site. The remainder of the southern part of the site consists of a mature hedgerow adjacent the highway Etherley Lane. The western boundary of the site consists of a mature hedgerow adjacent to Hallimond Road, beyond which lies open countryside and isolated dwellings. Escomb Primary School adjoins the north eastern corner of the application. The site is served by an existing field access onto Hallimond Road.

3. The site is located 2.5km to the south east of Witton-le-Wear SSSI and 560m from Escomb Pasture Local Wildlife Site. The Grade listed I building of Escomb Church is located 850m to the north of the site. Bishop Auckland Conservation Area lies 1.5km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II\* Listed building of Witton Tower is located 3.9km to the north west of the site. The remains of the Stockton and Darlington Railway, a Scheduled Monument lies 1.55km to the east of the site. The site lies within a designated area of Landscape Value as defined in the Wear Valley District Local Plan.

## The Proposal

4. Outline planning permission is sought for the erection of up to 150 dwellings (amended from 200 dwellings) and the means of access, with all other matters remaining reserved. The access would be located midway along the southern boundary on Etherley Lane and would include highway improvement works including widening and the formation of a protected right turn along with a pedestrian crossing island. 10% of the dwellings are proposed to be offered on an affordable basis.
5. An illustrative masterplan sets out that the dwellings would be laid out in a series of cul-de-sacs to the south eastern portion of the site with large areas of open space and landscaping to the western and northern boundaries. Centrally to the site would further areas of open amenity space. It is indicated that pedestrian links would be provided through the site and along the western boundary connecting adjacent to Escomb Primary School.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 100 dwellings.

---

## **PLANNING HISTORY**

---

7. There is no relevant planning history directly related to the site however planning permission was refused for a residential development of up to 237 dwelling directly to the south of the application site (ref DM/16/03249/FPA) in February 2017.
8. An outline application for up to 320 residential units with all matters reserved except from access is currently being considered on a parcel of land further to the south of the application site (ref: DM/16/03395/OUT).

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to

approach development management decisions positively, utilising twelve 'core planning principles'.

10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where

possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

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

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

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

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

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

##### **Wear Valley District Local Plan (2007) (WVDLP)**

22. *Policy ENV1 – Protection of the Countryside.* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
23. *Policy ENV3 – Area of Landscape Value –* Sets out that development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.
24. *Policy BE23 – Provision of Public Art -* In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
25. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
26. *Policy H3 – Distribution of Development.* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.

27. *Policy H15 – Affordable Housing.* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
28. *Policy H24 – Residential Design Criteria.* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
29. *Policy RL5 – Sport and Recreation Target.* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
30. *Policy T1 – General Policy – Highways.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

32. *Highways Authority* – Following amendments to the scheme, it is advised that proposed highways improvement works including the formation of a ghost island, pedestrian crossing refuge, widening of highway and provision of new bus stop would represent an appropriate access into the site and would not adversely impact highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and subject to offsite highway improvement works to alleviate pressures including at the junctions of at Maude

Terrace/Greenfields Road, Dilkes Street Roundabout and Woodhouse Lane/Cockton Hill junction. It is advised that residual impacts particularly at Woodhouse Lane/Cockton Hill junction would result in increased queues and delays. However, mitigation at other junctions would encourage alternative routing traffic and therefore cumulatively this would not result in a severe cumulative on the transport network. A contribution of £370,520 has been costed to deliver these wider capacity improvements which would need to be secured by a S106 agreement.

33. *Drainage and Costal Protection* – Advise that the submitted Flood Risk Assessment setting out the principle of using SUDS is acceptable and a detailed scheme should be developed around the parameters of the Assessment. This should be secured by condition to be submitted alongside any reserved matters application.
34. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighting that a water main runs through the site and the resultant layout would need to take into account its position. Further upgrade works to increase sewerage capacity would be undertaken by NWL if the development progresses.
35. *Coal Authority* – Advise a condition to secure further site investigations and any required mitigation measures in relation to historic coal mining legacy should be attached to any approval. The layout in any subsequent reserved matters application will need to take into account any shallow coal mine workings and mine entry.

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

36. *Spatial Policy* – It is advised that the development would not accord with Policy H3 of the WVDLP (the Plan). However, the Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications on the edge of settlements.
37. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence which, they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.
38. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are no specific policies from the NPPF which indicate the development of this site should be restricted.

39. The site itself is considered to be well related to Bishop Auckland and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters and other specialist issues can be addressed in terms of promoting pedestrian and cycle movements and sustainable patterns of travel and landscape impact. No objections in principle to the scheme are raised.
40. *Landscape Section* – Advise that the proposals would involve an incursion of built development into open countryside to the west of Bishop Auckland which is designated as ALV. The application is accompanied by a Landscape and Visual Appraisal (LVIA) which provides information on the landscape and visual baseline and potential landscape and visual effects. In reviewing this assessment it is advised that there would be some localised harm to the character of the landscape including the ALV. However, this could be mitigated to some degree in time by the structural landscaping proposed. From elsewhere in the wider landscape the development would be visible in shallow views as a small part of visually complex panoramas. It is advised that there would be no significant effect on the general character of the settled landscapes visible in those views. The indicative design of the proposals is generally well considered and no objections are offered to the development.
41. *Landscape (Arboriculture)* – Advise that the development should be feasible without the loss or risk to significant trees. However, it is recommended that a method statement and tree protection plan (to BS5837 (2012)) is conditioned and submitted in advance of any work commencing. This should include locations and method of protective fencing and also address any potential conflict with the trees to be retained using ground protection where required.
42. *School Places and Admissions Manager* – Advises that a development of 150 houses could generate an additional 45 primary pupils and 18 secondary pupils. Taking into account current surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that the capacity of primary schools in the area would need to be increased to accommodate the additional demand. After undertaking feasibility work, it is advised that this demand could be met through the provision of additional classrooms. The final decision of where increased capacity would be provided would be taken separately by the Education Authority, a contribution of £417,603 is sought to deliver the increased capacity.
43. *Sustainability* – Highlighting that the site lies out with walking distances to services and amenities within Bishop Auckland despite good footpath links. Issues around ecology and heritage would need to be taken into account in the determination of the application. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
44. *Sustainable Travel* – Advise that the entire site is within a 400m walk to the nearest bus stop, however, the frequency of this service is 1 per hour. A frequency of 2 per hour is recommended. It is encouraged that links and upgrading of the public rights way in the vicinity of the site should be undertaken. A conditional approach is required to ensure that an appropriate travel plan is delivered at the site.
45. *Archaeology* – Advise that the results of a geophysical survey have been submitted which showing some anomalies which may be of archaeological origin are present,

but these are not considered to be extensive. The results should however be confirmed through a programme of trial trenching with the results submitted in support of the reserved matters.

46. *Access & Rights of Way* – Identify that two public rights of way cross the site (Footpath No.s 6 and 9 Bishop Auckland). Appropriate connections and upgrading of the surfaces of these paths should be secured through the planning application.
47. *Ecology* – Advise that there are no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. It is advised that the risk of foraging bats and breeding birds is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating buffers to the north and west of the development site for habitat creation and commuting routes for bats and birds, whilst existing trees and hedgerows would be retained where possible. Further scrutiny of this would be required in relation to the treatment of these areas at the reserved matters stage.
48. *Environmental Health and Consumer Protection (Air Quality)* – Advise that the number of trips generated by the development would fall below the requirement for a standalone air quality impact assessment. However, it is identified that other developments in the area have considered their impacts and it was concluded that the cumulative impacts would be negligible. It is advised that dust management plan should be adopted during the construction phase.
49. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination is acceptable.
50. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures within the submitted noise assessment reports. Whilst recognising the semi-rural location and potential associated smells no objection is made to application in relation to statutory nuisance under the Environmental Health and Consumer Protection Act. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
51. *Design and Conservation* – Advise that the site contains no known designated assets and there are no identified assets immediately adjacent to the site. However, within 850m of the site lie a range of designated assets including the Grade I listed Escomb Saxon Church. Although some distance from the application site, given the national significance of the building it is important to give due consideration to any impact. Having undertaken appropriate site visits it is apparent that any impact is mitigated by local topography and the presence of built development in between and no objections are raised on this matter.
52. *Employability Officer* - Requests that targeted recruitment and training clauses are included within a planning obligation in the event of approval

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

53. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, while no issues are raised regarding the proposed



layout. It is however identified that areas of play should be well maintained and lit. The traffic issues with Escomb School are highlighted, whilst it is advised that an adopted link to the school should be encouraged.

## **PUBLIC RESPONSES:**

54. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 17 letters of objection have been received in relation to the development as summarised below:

### *Principle/Sustainability*

- The number of houses proposed within the vicinity of the site is considered excessive particularly taking into account other committed and proposed developments.
- Brownfield sites should be developed first, whilst there is an oversupply of housing in the area.
- The lack of school places in the area is highlighted along with the view that an additional school should be built to accommodate demands.
- Lack of capacity of local doctors.
- The local shops and amenities could not accommodate additional demand.
- There are more sustainable locations and the site does not benefit from good public transport links.
- There is not a demand for new housing a number of properties are for sale in the area are not selling and growth rates in Durham are low.
- There is not sufficient employment for residents.
- The bus service which serves the site is limited, while more than 2 buses are required to access towns outside of Bishop Auckland.

### *Landscape/Design*

- The site is located outside of the settlement boundaries of the village and its development would lead to a significant visual impact and urban sprawl.
- Greenfield/green belt sites should be protected.
- The landscape mitigation is not sufficient to mitigate the impact of the development.
- The refusal of a application on appeal on landscape grounds at Lanchester is highlighted.

### *Residential Amenity*

- Loss of residential amenity caused by prolonged duration of construction works and that generated through the development.
- Air quality impacts from additional vehicles.
- Loss of outlook over adjacent countryside

### *Highways*

- The road infrastructure would not cope with additional housing, particularly taking into account other applications proposed.
- Concerns are raised regarding the capacity of Woodhouse Close and Tindle Crescent cross roads.
- Concerns over road safety associated with the proposed access and increase in traffic particularly around peak flows.

- The road infrastructure could not cope with increased construction traffic, due to their width and nature. Existing developments such as Kynren and Auckland Castle developments put significant demands on the road network.
- The submitted transport assessment has not considered the impact of all junctions and the narrow footpaths and there are errors in the assessment/traffic monitoring.
- The crossroads adjacent to the site regularly experience accidents, particularly in relation to traffic generated from the schools in the area.
- Vehicles regularly exceed the speed limit in the area.
- Footpaths in the area are inadequate.
- There is a riding school within close proximity to the development these and other road users are incompatible with increased road traffic.
- There are already significant traffic pressures at the local school during peak times.
- The development would put further pressure on the already congested Tindle Crescent.
- The proposed ghost island would restrict highway width.

*Other*

- The development would result in the loss of wildlife habitat and green space which is valuable for wellbeing.
- Loss in value of residential properties/ loss of view
- The site is valuable agricultural land.
- Concerns are raised regarding the extent of the consultation exercise.
- The presence of a legal covenant on the land is highlighted.
- The submitted plans are incorrect, by not detaining all residential properties in the area.

55. A letter of objection has been received from *CPRE (Campaign to Protect Rural England)* setting out that the application in conjunction with others proposed in the area represents excessive housing development in the Bishop Auckland area. It is highlighted that the Wear Valley District Local Plan (WVLP) remains the appropriate development plan until the refreshed Durham Plan is adopted.

**APPLICANTS STATEMENT:**

56. Kenley Holdings have worked with the Council and local stakeholders over several years to bring forward this application to provide up to 150 new homes to the west of Bishop Auckland. With a need to provide new homes across the County the largest, most sustainable towns are appropriate locations to accommodate new residential development.
57. The proposed development has evolved and been shaped by extensive dialogue and discussion with Council Officers, consultee organisations and the local community. Consequently the application is recommended for approval and there are no objections from statutory consultees. It provides much needed family homes whilst ensuring that the character of the local area is protected and enhanced through the inclusion of large landscaped areas and new planting. The development does not rely on any other pieces of land or nearby planning applications for delivery and there is already significant interest from a number of local housebuilders.

58. The proposals have been changed in response to discussions with Officers and local stakeholders, for example the number of dwellings has been reduced from 200 down to 150 and the applicants are committed to providing assistance to the adjacent primary school. The proposals incorporate measures which other applications in the area have not, including funding for improvements at key local junctions to mitigate any highways impacts of the development.
59. The application represents a proportionate development with landscaped areas providing new and improved footpath links to Escomb Primary School – this provides direct walking routes for new and existing residents to reduce the number of car trips to the school at peak times.
60. The development will provide 10% Affordable Housing and financial contributions to education, open space and local junction improvements. The application has no objections from statutory consultees or Council Officers and represents a logical and proportionate sized development for Bishop Auckland.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OIJQ9RGDKL600>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

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

### The Principle of Development

#### *The Development Plan*

62. 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 Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

## *The NPPF*

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
65. 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.
66. 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 WVDLP are out-of-date as outlined below.
67. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield site to meet housing need when considered in the planning balance. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

## *Five Year Housing Land Supply*

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
69. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced

on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:

1,533 houses per year (29,127 houses by 2033)

1,629 houses per year (30,951 houses by 2033)

1,717 houses per year (32,623 houses by 2033)

70. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
71. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
72. 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.

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

73. Given the age of the WVDLP 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.
74. WVDLP Policy H3 sets out that new development should be located to the towns and villages best able to support it setting out limits of development. The development conflicts with this saved policy. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole.
75. WVDLP Policy H3 is accompanied by WVDLP Policy ENV1, although not specifically relating to the supply of housing it relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would conflict with this policy. This Policy is considered only partially compliant with

the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved policy

76. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
77. The development of the site for housing would, in principle, be contrary to WVDLP policies. However, WVDLP policies for the supply of housing are out of date and development within the countryside policies are not fully NPPF compliant. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### Locational Sustainability of the Site

78. NPPF Paragraph 61 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. In this respect, it is considered that the scheme would integrate itself well into the built environment of Etherley Dene and wider development of Bishop Auckland by indicating that existing pedestrian connections along the northern and eastern boundary would be reinforced whilst access would be provided across the development site to Escomb Primary School. Footpath improvements on the highway network and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
79. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Bishop Auckland representing a greenfield extension. A distance of 2300m (to the centre of the site) is evident to the town centre, 2400m to Tindale Crescent retail and employment sites, 1300m to the nearest secondary school and 270m to the nearest primary school. The nearest GP is located 2300m away while Bishop Auckland Hospital is located 2000m away. A convenience store is located in a garage located 150m away.
80. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Bishop Auckland is one of the largest settlements within the County with the joint highest sustainability score (with Durham City) as set out in the Council's Settlement Study 2012. This is in recognition of the wide range of services and amenities such as primary and secondary schools, several GP's and Health Centres community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Bishop Auckland was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of up to 150 dwellings is considered to be proportionate role of the town within the settlement hierarchy and

the level of services provided. The walking routes are also on adopted well-lit highways with no significant topographical restrictions. Footpath creation and resurfacing extending from opposite the site entrance into Etherley Moor are considered necessary for pedestrian access purposes. A condition to this effect is recommended.

81. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride. Bus stops are located on the east and westbound sides of Etherley Lane at a maximum of 280m walk for future residents. The easterly bound bus stop would be upgraded to a bus shelter and would give access to the town centre and connections beyond. It is recognising that the bus service only currently runs on an hourly service, below the desirable 2 per hour frequency. Consideration has been given to mechanisms to increase the frequency of this service, however mindful of other development costs and planning obligations it is considered that the development would not be able to make a financial contribution in this respect and remain viable. Notwithstanding this a range of transport options would be available for future residents whilst increase demand may allow an increased bus service at a future date.
82. Overall, it is considered the improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and Policies GD1 and H24 of the WVDLP which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

#### Landscape and Visual Impact

83. WVDLP Policy GD1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. Policy ENV3 also seeks to protect the special character and appearance of the Area of Landscape Value (ALV) of the Wear Valley. These Policies are considered consistent with the NPPF which also recognises the intrinsic character and beauty of the countryside whilst seeking to protect valued landscapes. Full weight can therefore be given to these Policies in the decision making process in this respect.
84. WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals for agricultural or compatible uses as permitted by Local Plan policies. This Policy is considered only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore can only be afforded moderate weight. WVDLP Policy H3 seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area can accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, in this respect moderate weight can be afforded to the Policy.
85. The application site is located on an elevated position on the high watershed between the Wear and Gaunless valleys and on the northern ridgetop of the shallow minor valley of the Coal Burn. It is visible in shallow views from the immediate locality, including views from sections of Etherley Lane, Wigdan Walls Road and Hallimond Road, some properties on the edge of Etherley Moor, some isolated properties in the vicinity and nearby footpaths. It also visible in views at greater

distances (1.5-5km) from higher ground on the opposing flanks of the Wear Valley to the north where it is seen in shallow views close to the skyline. The submitted landscape and visual appraisal sets out the site is visible in more widespread views to the east and northwest, at similar and greater distances, where it typically forms small part of visually complex panoramic views. The wider Wear Valley is designated an Area of Landscape Value, which includes this site.

86. The Council's Landscape officers advise that the effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse. This is always the case for development of this kind on green field sites. The change from open countryside to built development would be appreciated in close views from roads, footpaths and bridleways immediately bordering the site which currently have an attractive rural outlook. It is however identified that the submitted outline landscape masterplan is well considered and provides for some mitigation measures that would locally strengthen character and particularly in the west of the site with additional hedgerow and tree planting. Notwithstanding this, the overall impact on the immediate area would remain adverse given the scale and urban character of the development.
87. In respect of the impact on the character of the wider local landscape (the ridge between the Coal Burn Valley and Wear Valley within around 0.5 - 1km) it is advised that the impact would be of a medium magnitude taken in the round. The high impact of development in views from immediately adjacent to the site identified above would attenuate fairly rapidly with distance in the shallow views typical of the ridge-top. It is advised that the effect would be reduced further over time by proposed mitigation planting, whilst recognising that this would take 10 - 15 years to mature to fully screen the development.
88. In views from across the Wear Valley to the north, it is advised that the northern edge of the development would be visible on or close to the skyline, but partly screened or filtered in places by perimeter and off-site vegetation. The effect would be reduced over time by planting along the northern boundary as shown on the outline landscape masterplan. Overall Landscape officers advise that the effect on the character of the landscape of the Wear Valley in the round as being of a low-medium magnitude falling to low, having regard to the settled rural character of the view in which built form is visible elsewhere on the ridge.
89. In views from elsewhere in the wider landscape the development would be visible in shallow views as a small part of visually complex panoramas. It is advised that there would be no significant effect on the general character of the settled landscapes visible in those views. It is considered that the proposals would have some effect on the character of the ALV. These effects would be significant at a local but as described above the impact would be of a low to low-medium magnitude falling to low within 10-15 years once mitigation planting matures. Whilst it is acknowledged that the site forms part of the wider ALV, in terms of whether the site, in itself forms a "valued landscape" for purposes of Paragraph 109 of the NPPF, this is considered not to be the case. The ALV extends along a significant area along the Wear Valley as a result, the application site forms only a small part of a far larger area.
90. It is advised by Landscape Officers that there would not be a significant cumulative visual impact over and above the scheme's individual impact when considering the other developments proposed to the south.



91. WVDLP Policies GD1, ENV1, ENV3 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development, particularly in relation to the ALV. As a result of the development an extension beyond the established settlement edge would occur, contrary to local plan policies. However, this visual impact is relatively localised while views of the site would largely be set against the backdrop of existing housing development or in shallow complex landscape views. The submitted proposed landscaping strategy, subject to a detailed design and minor modifications, would help mitigate this impact. On the advice of Landscape officers it is considered that overall the development would amount to adverse landscape harm conflicting with local plan policies and the NPPF and therefore this impact needs to be considered within the wider planning balance.

## Layout and Design

92. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. These Policies are considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to these policies in this respect in the decision making process.
93. Furthermore Paragraph 58 of the NPPF sets out that decision should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be resisted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
94. It is recognising that the application is in outline form, with details regarding the layout and design remaining reserved. However, an indicative masterplan has been provided which details how the development could be laid out, whilst setting out some layout parameters in relation to landscaping and pedestrian connections.
95. In considering the scheme against the above policy criteria, recognising the opportunities and constraints of the site, it is considered that overall the development would relate well to the surrounding built environment providing a low density attractive active frontage onto the southern boundary of the site and the highway Etherley Lane. Moving through the development active frontages and corner turner units are indicated to maintain an attractive street scene with adequate areas of open space. The indicated highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development. Landscape buffers would be provided to the western and northern boundary to retain a rural feel to the area and provide a soft edge to the development.

96. WVDLP Policy BE23 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the WVDLP Policy. The Policy is considered partially consistent with the NPPF, and can be afforded weight. The applicant has committed to the provision of art on the site to be secured by condition, and to either be delivered at the site entrance or within the public open space.
97. Overall, it is considered that the scheme has the potential to deliver a high quality visually attractive development and would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself to the existing settlement, in accordance with WVDLP Policies GD1 and H24 Paragraphs 58, 61, 62 and 64 of the NPPF.

#### Highway Safety and Access

98. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF in this respect (and therefore afforded full weight) which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
99. The development would be served by a single vehicular access taken off the adopted highway Etherley Lane. The existing field to the west of the site would be retained for maintenance access. In order to facilitate the new proposed access the existing highway would be widened into the site slightly to provide a protected right turn from an easterly direction, a pedestrian refuge island and new 1.8m wide footways. The existing bus stop would be relocated and a new bus shelter provided. The Highway Authority advises that these works would result in the development being served by an appropriate means of access that would protect the highway safety of other road users. Conditions are recommended to fully detail and secure the implementation of the highway access works along with the resurfacing of the existing pedestrian footway along the B6282 Etherley Moor Road in an easterly direction for 50m to encourage pedestrian movements.
100. Objections have been raised by local residents regarding the capacity of the local highway network to accommodate the development and others proposed in the area, while it is highlighted that a number of junctions in the area experience significant queuing. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area and mitigation is proposed to bring the junction of Maude Terrace/Greenfields Road, up to operational capacity and to mitigate the impacts of development traffic flows. The mitigation is in the form of junction widening and layout changes with traffic signal reconfigurations. It is also proposed to improve the capacity of the Woodhouse Lane/Cockton Hill junction, through lane widening and re phasing of the traffic lights.

101. The Council as Highway Authority, agree with the methodology in the submitted Transport Assessment (as amended) to assess the traffic impact of these development. It is advised that the mitigation proposed at Maude Terrace/Greenfields Road would result in the junction operating satisfactorily with the added flows of the development. However, as set out in the submitted transport assessment, whilst improvements would be made to the Woodhouse Lane/Cockton Hill junction to increase existing capacity, once the development is fully occupied there would be a residual impact in that queues and delays could increase. However, the Highways Authority advise that this would likely result in drivers seeking alternative routes or spreading travel times outside the peak hours. The proposed mitigation at Tindale Crescent would help mitigate some of the alternative routing traffic whilst further mitigation at Dilkes Street Roundabout in the form of lane widening would be required.
102. Due to the mitigation proposed and the likely rerouting of traffic it is advised that severe cumulative impact on the transport network would not arise. To mitigate the developments impact a figure of £370,520 has been costed to deliver these off site highway improvements which would be secured by a S106 agreement for the Highways Authority to deliver. It is also recommended that a condition to secure the implementation of an appropriate travel plan for the site, to encourage alternative forms of transport is recommended to be secured by condition.
103. Subject to delivering the mitigation detailed above the development would acceptably mitigate its own impact on the highway network, the Highway Authority have however also considered the impacts alongside other planning applications and committed developments in the area. Without pre-empting the outcome of other applications, it is advised that if all proposed and committed developments are built, a wider scheme of highways capacity improvement would be required to ensure that the schemes would have an acceptable cumulative impact. To deliver this wider scheme of improvement the highway contributions secured under individual planning applications would be combined (whilst still complying with The Community Infrastructure Levy Regulations 2010) for the Highways Authority to detail up and deliver appropriate schemes where it considers appropriate.
104. The objections of local residents regarding the proposed access arrangements, current road conditions and cumulative impact on the highway network are noted. However, as above, after scrutinising the planning application the Highway Authority concludes that providing the improvements and mitigation are implemented there would not be detriment to highway safety and the development would not result in severe cumulative impacts. It is also further advised that mitigation work (in the form of a roundabout) would not be required at the Etherley Moor/Wigdan Walls Road junction. It is considered that this junction would operate within safety parameters, while the proposed highway improvements around the site entrance would assist in reducing vehicle speeds which include providing a safe crossing and a clearer marker to the edge of the settlement and the start of the 30 mph zone. Furthermore the direct pedestrian links to Escomb Primary School through the development has the potential to reduce vehicular trips to the school and promote more sustainable options for pupils and their families. The delivery of these improved routes would assist the school in implementing its travel plan and addressing existing localised problems. This is considered to be a benefit of the scheme in highway/sustainability terms.

105. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while the development would have some impact on the wider highway network, this would not be at a severe level, subject to securing of the mitigation proposed. The scheme is therefore considered to accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

## Ecology

106. WVDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy is considered consistent with part 11 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located 2.5km to the south east of Witton-le-Wear SSSI and 560m from Escomb Pasture Local Wildlife Site. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating buffers to the north and west of the development site for habitat creation and commuting routes for bats and birds, whilst existing trees and hedgerows would be retained where possible.
107. Given the lack of impact on biodiversity interests on the site, along with the proposed mitigation, Ecology officers advise that the proposed, the development is considered to conform to WVDLP policy GD1 and Part 11 of the NPPF in this respect subject to fully developing the mitigation scheme at a reserved matters stage. A condition to secure this is recommended.

## Residential Amenity

108. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. While NPPF Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
109. The indicative site layout of demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings can be achieved as advocated in the Local Plan. Overall, given these separation distances it is considered that there would not be a significant reduction in existing resident's amenity, in terms of overlooking and privacy and outlook. Further scrutiny of this matter would be given at reserved matters stage.
110. The development would increase the comings and goings of vehicles, and to lesser degree pedestrians which would have a limited impact on residential amenity of existing residents. However, this is not considered to be at a significant reduction that would warrant refusal of the application.

111. In order to limit the potential disturbance for existing and future residents during construction, the Council's Environmental Health and Consumer Protection officer recommends that a construction management plan be secured through condition to deal with construction related impacts.
112. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing commercial garage on Etherley Moor Road. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties along Etherley Lane would ensure that residential amenity would be protected. Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to implementation, the relevant thresholds set out in the Council's Technical Advice Note in relation to noise would be achieved subject to detailing the final mitigation and securing its implementation. It is highlighted that the North West corner of the site abuts a primary school and there is likely to significant noise from children playing. However, the indicative master plan proposed a substantial standoff to allow for landscaping in this area, whilst it is advised that this is a noise source which are accepted as part of community life and would be limited to term time/hours. An acceptable level of residential amenity for future residents is considered to be achieved in this respect.
113. Consideration has been given to potential odour sources in the proximity of the site by Health and Consumer Protection Officers. Whilst recognising the semi-rural location and potential associated smells no objection is made to application in relation to statutory nuisance under the Environmental Health and Consumer Protection Act. This is due to the distances of the development to potential sources with are similar to or exceed that on other non-involved properties. It is therefore considered that there would be no further constraints placed on existing businesses than the existing situation. Any potential impact on residential amenity of future residents is not considered to warrant refusal of the application given the likely frequency and levels of odours created within the above constraints. .
114. Overall, the scheme would comply with WVDLP Policies GD1 and H24 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and achieve a satisfactory separation distance internal and external to the scheme. Future residents would also experience acceptable levels of residential amenity.

#### Flooding Risk and Drainage

115. 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.
116. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a potential drainage strategy comprising the incorporation of

Sustainable Urban Drainage (SUD's) including on site attenuation to capture surface water in 1 and 100 year flood events to discharge to mains drainage at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and porous paving, which would help achieve water quality treatment and improvement before being discharged. Subject to securing the finer detail of this approach, to be submitted at the reserved matters stage the Council's Drainage and Coastal Protection Section offer no objections to the principles proposed in the drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.

117. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections, subject to detailing the design of the layout. Northumbrian Water advises that the capacity of the existing network would be increased should the development commence.
118. Subject to conditions to resolve the final surface and foul water disposal, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

#### Ground conditions

119. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advise that underground coal mining has taken place underneath the site at shallow depth, along with the potential of a mine entries and potential unrecorded mine workings. The applicant has detailed in principle how these mine entries would be treated while large areas of the site would be grouted to stabilise the land. The Coal Authority raises no objections to this strategy further to controlling by condition, the finer detail of any mitigation work once further survey has been undertaken.
120. In relation to land contamination the applicant has submitted a phase 1 desk top study, undertaken site investigations and gas monitoring which identifies that there is a low risk of contaminants being present on site. The Councils Environmental Health and Consumer Protection (Contaminated Land) officers advise a conditional approach to deal with any potential land contamination

#### Heritage Impacts

121. The Grade I building of Escomb Church is located 850m to the north of the site. Bishop Auckland Conservation Area lies 1.5km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II\* Listed building of Witton Tower is located 3.9km to the north west of the site. The remains of the Stockton and Darlington Railway, a Scheduled Monument lies 1.55km to the east of the site. Given these separation distances and the limited inter visibility between the site and the nearest listed buildings and conservation areas due to topography and the presence of built development, the Council's Design and Conservation officers have advised that there would be no heritage related harm

associated with the development in this respect, particularly in relation to the setting of listed buildings.

122. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The Council's Archaeology Officer advises that the results of a geophysical survey has been submitted which has shown some anomalies which may be of archaeological origin are present, however these are not considered to be extensive. The results should however to be confirmed through a programme of trial trenching with the results submitted in support of the reserved matters and secured by condition. Subject to this further investigation any harm would be mitigated in this respect.

#### Other matters

123. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The agricultural land (9.71) is classified as Grade 3b, falling below the definition of best and most versatile which the NPPF seeks to protect and the weight afforded to this adverse impact is therefore reduced
124. Environmental Health and Consumer Protection Air Quality officers advise that the number of trips generated by the development would fall below the threshold for a standalone air quality impact assessment. Other developments in the area have considered their impacts in respect of impact of air quality and it is concluded that the cumulative impacts of the developments would be negligible. It is however, advised that dust management plan should be adopted during the construction phase in order to comply with Policy GD1 of the WVDLP and Part 11 of the NPPF.
125. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that on balance whilst a secondary vehicular access point would be desirable on the whole the development is considered sustainable. However, it is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. This would be achieved through the building regulations as opposed to a planning condition.
126. No response has been received from the NHS regarding potential capacity issues within the Bishop Auckland Area. It is however, noted that there are a number of GP surgeries that could serve the development whilst there is also a walk in centre.

#### Planning Obligations

127. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. In this respect the Council's Education officer highlights that a development of up to 150 dwellings would be expected to generate 45 primary and 18 secondary pupils. Although there is a degree of capacity within primary schools within Bishop Auckland that are accessible to the site via a 2 mile safe walking route,

when taking into account of other developments proposed within the area the capacity of primary schools would need to be increased to accommodate the additional demand. The Council has undertaken a feasibility study of 6 existing schools within 2 miles of the application site. This study involved an assessment whether relevant schools could be extended to accommodate additional demand generated by proposed developments in the area. The feasibility work concludes that the demand could be met through the extensions of a combination of Escomb Primary School, St Anne's Primary School and Woodhouse Primary School. The Education Authority would make the final decision on how and where the increased capacity would be provided. A contribution of £417,603 is required and would be secured by way of a planning obligation pursuant to of the Town and Country Planning Act 1990. This contribution would be in line with the Council's adopted policy on securing developer contributions in relation towards education provision. Sufficient secondary school places exist in the local area for future residents.

128. WVDLP Policy H15 in accordance with Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. It is indicated that the development would provide a total of 15 dwellings. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990.
129. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
130. 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.
131. In this instance the site layout indicates that around 3.2ha of undeveloped amenity open space, semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £198,900 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a planning obligation .
132. In addition to the above planning obligations, the applicant proposes financial contributions of £150,000 for Nursey School provision in the area and £100,000 for the continued maintenance and operation of Escomb Village Hall through a S106 agreement. The applicant considers that the proposed development is likely to provide family homes and therefore there will be an impact upon both the nursery, through increased number of children of nursery age, and the village hall due to the pressure on facilities from increased use. The monies would be used to maintain and, where appropriate, improve existing facilities to ensure that these important



local amenities can accommodate the increased usage as a result of the development.

133. Paragraph 204 of the NPPF advises that, planning obligations should only be sought where they are, amongst other things, necessary to make the development acceptable in planning terms, and directly related to the development. In this context, whilst it is clear that the financial contributions would have a benefit to the community both in terms of existing and prospective residents, the contributions would not be necessary to make the development otherwise acceptable, and accordingly, they can be only considered on a voluntary basis. The contributions cannot therefore be afforded weight as a benefit of the development, but can, nonetheless, be secured as a planning obligation.
134. The Council's Employability officer request that targeted recruitment and training clauses are included within a planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

#### Planning Balance

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

#### *Benefits*

136. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
137. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.
138. 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.
139. The development would provide a range of house types including up to 15 affordable housing units which would meet an identified short fall within the County.

140. The scheme would provide for public realm including amenity and open space that would be accessible for local residents.
141. The development would improve pedestrian linkages from Etherley Moor to the Local Primary School, which has the potential to relieve existing parking and transport issues associated around peak times.

#### *Adverse Impacts*

142. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
143. The development would result in a residual impact on the wider highway network through the increase in traffic, however and mitigation secured would reduce this impact and a cumulative highway impact would not arise.
144. The development would result in the loss of around 9.71 ha of agricultural land, however as the submitted Agricultural Land Classification Report concludes that the site is Grade 3b agricultural land, it is not considered to be “best and most versatile”, and the weight afforded to this adverse impact is therefore reduced.

---

## **CONCLUSION**

---

145. The development would conflict with WVDLP Policies H3, ENV1 and ENV3. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the Council’s housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
146. It is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. The development would also result in a residual impact on the wider highway network through increase traffic generation. However, due to the limited visibility in the wider landscape and mitigation secured to improve capacity in highway network, for the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council’s housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the WVDLP statutory presumption against development of this site.
147. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards education capacity, highway mitigation works, provision of affordable housing, are considered necessary

for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training and the nursery and village hall contributions are not considered to be necessary to make the development acceptable, and are offered on a voluntary basis and cannot be afforded weight.

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

---

## **RECOMMENDATION**

---

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

- 10% Affordable Housing units
- £370,520 for offsite highway mitigation works
- £417,603 education contribution
- £198,900 for offsite sporting and recreation provision

Voluntary contributions

- £150,000 nursery provision in the area
- £100,000 for the continued operation and maintenance of Escomb Village Hall
- Provision of a targeted recruitment and training/local labour scheme

and subject to the following conditions:

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

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

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

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

3. The development hereby approved shall comprise a maximum of 150 dwellings

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

4. Application for approval of reserved matters of the development shall be in accordance with the indicative Landscape Parameter Plan DWRG SK-901A and the indicative Connections Plan DWRG SK-902A.

*Reason: To encourage sustainable transport and integration to surrounding area in accordance with Paragraph 61 of the NPPF and Policies GD1 and H24 of the Wear Valley District Local Plan.*

5. Application for approval of reserved matters and any operations and or development shall be in strict accordance with the Mitigation detailed in Section H of the Ecological Impact Assessment.

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy GDP1 of the Wear Valley District Local Plan.*

6. The amount of open amenity/recreation and green space provided in the development shall at a minimum meet the targets of the Councils Open Space Needs Assessment 2010.

*Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policy RL5 of the Wear Valley District Local Plan and Policy 73 of the NPPF.*

7. Prior to the occupation of the first dwelling hereby approved full engineering details of access and highway improvement works based on the principles set out in drawing number JN1233-Dwg-0023 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented prior to the construction of the 30<sup>th</sup> dwelling.

*Reason: In the interests of highway safety in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

8. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway and resurfacing of the existing pedestrian footway for 50m in an easterly direction from the bus stop on the south side B6282 Etherley Lane, shall be submitted to and approved in writing by the Local Planning Authority. The footpath and resurfacing work shall thereafter be constructed in accordance with the approved details prior to the occupation of the 30<sup>th</sup> dwelling hereby approved.

*Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

9. Prior to the occupation of the first dwelling hereby approved, a scheme for the resurfacing and the formation of pedestrian access points from the development to the Public Rights of Way (No.6 and No.9 Bishop Auckland) adjacent to the eastern and northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The resurfacing work shall thereafter be completed in accordance with the approved details prior to the occupation of the 50<sup>th</sup> dwelling hereby approved.

*Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.*

10. Prior to the occupation of the first dwelling hereby approved provision shall be made for new bus stop infrastructure on the B6282 Etherley Lane east bound in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be installed prior to the occupation of the 30th dwelling.

*Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.*

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

*Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

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

*Reason: In the interests of the visual amenity of the area having regards to Policies GD1 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

13. Prior to the occupation of the first dwelling a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework*

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework*

15. Prior to the submission of any reserved matters application a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme should be based upon principles set out in the Flood Risk & Drainage Assessment, compiled by BDN ref R4590 and the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Thereafter the development shall be undertaken in accordance with the approved details

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

16. Notwithstanding the submitted information, 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 undertaken in accordance with the approved details and timings thereafter.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE23 of the Wear Valley District Local Plan and Part 7 of the NPPF.*

17. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by LA Environmental consultants ref NLP/EM/001 dated November 2016 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

*Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the NPPF.*

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

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework.*

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

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

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

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

21. Prior to the submission of any reserved matters application a scheme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii; Post-fieldwork methodologies for assessment and analyses.
  - iv; Report content and arrangements for dissemination, and publication proposals.
  - v; Archive preparation and deposition with recognised repositories.
  - vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.



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

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

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

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

#### Pre-Commencement

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

#### Completion

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

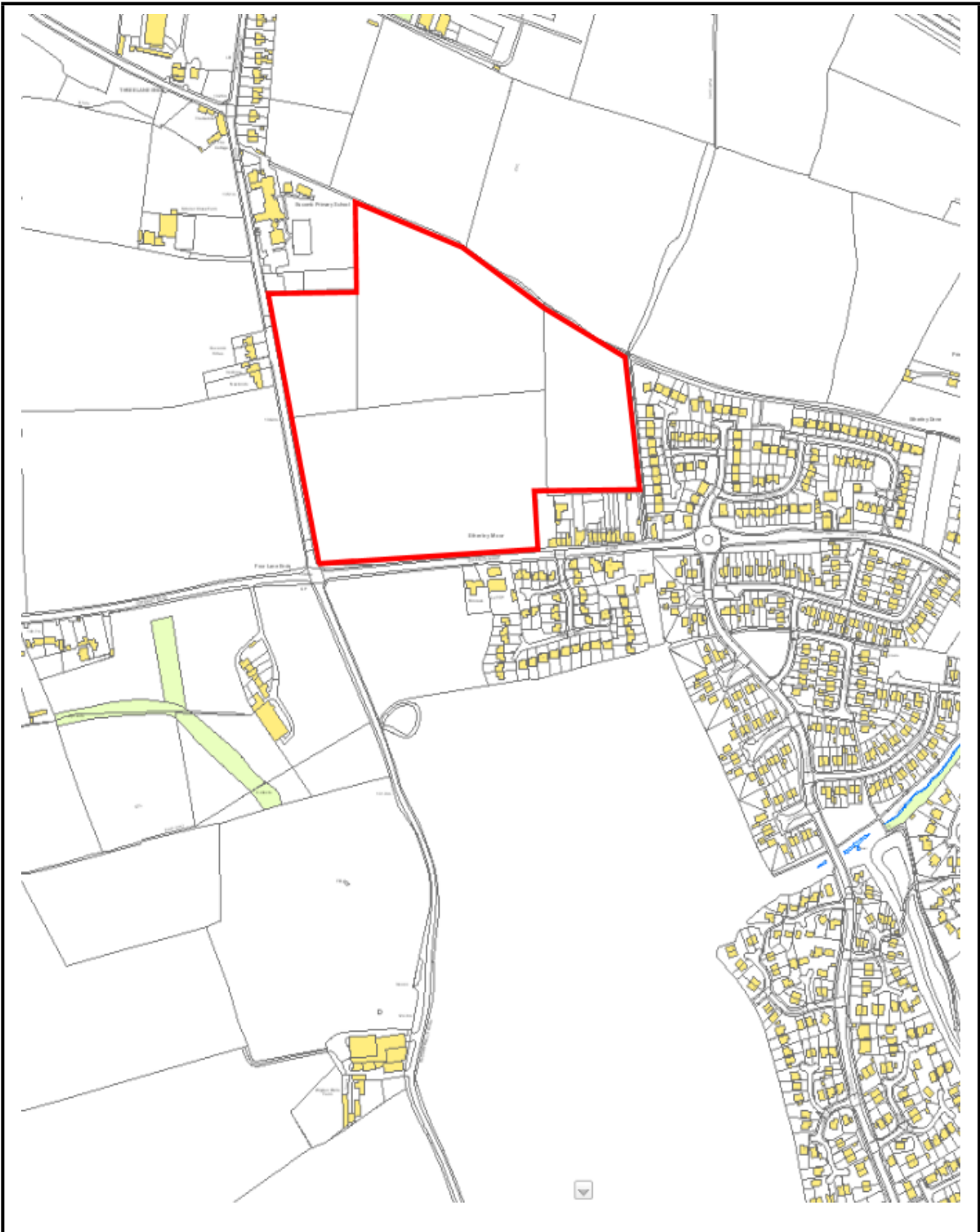
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of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


---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley District Local Plan 2006
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Public Place Planning Document 2006
- Calculating developer contributions in relation to education.
- Statutory, internal and public consultation responses
- Planning applications DM/16/03249/FPA and DM/16/03395/OUT



 <p><b>Planning Services</b></p>	<p>DM/16/04062/OUT Residential development for up to 150 units with all matters reserved except access</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> June 2017</p>	<p><b>Scale</b> Not to scale</p>

This page is intentionally left blank

## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/16/03395/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for up to 320 residential units with all matters reserved except from access.
<b>NAME OF APPLICANT:</b>	LKA Developments
<b>ADDRESS:</b>	Land East Of Wigdan Walls Road, Woodhouses
<b>ELECTORAL DIVISION:</b>	West Auckland
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site consists of a rectangular shaped parcel of agricultural land located to the edge of the existing residential development of Etherley Dene, to the west of Bishop Auckland. The site extends to approximately 15.2 ha in area and comprises greenfield land in an agricultural use, consisting of arable. The most southern portion of the site is relatively level however the site falls sharply to the north to Coal Burn representing a maximum 29m level change.
2. To the east of the application site the existing residential development of Rockingham Drive is located, separated by a semi mature hedgerow. To the south the adopted highway Greenfields Road is located, separated by mature hedgerow and hedge line trees. The dwellings of 1-9 Woodhouses, including the Bay Horse Public House and Woodhouses Farm House are located to the south western corner of the application site. The highway Wigdan Walls Road forms the western boundary, separated by a mature hedgerow. The Coal Burn is located to the north, beyond which lies open countryside where the land steadily rises.
3. A public right of way (Footpath No.12 (Bishop Auckland)) is located adjacent to the east of the site however this has been unusable since the adjoining housing estate was built. The site is located 3km to the south east of Witton-le-Wear SSSI and 1040m from Escomb Pasture Local Wildlife Site. The Grade I building of Escomb Church is located 1.5km to the north of the site. Bishop Auckland Conservation Area lies 2.1km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear

Conservation Area containing the Grade II\* Listed building of Witton Tower is located 4.5km to the north west of the site. The Grade I building of Escomb Church is located 1.5km to the north of the site. The remains of the Stockton and Darlington Railway, a Scheduled Monument lies 1.35km to the east of the site.

## The Proposal

4. Outline planning permission is sought for the erection of up to 320 dwellings and the means of access, with all other matters remaining reserved. 10% of the dwellings are proposed to be offered on an affordable basis. The access to the site would be located midway along the southern boundary on Woodhouses Lane in the form of a priority T junction. A new 1.8m wide pedestrian footway would extend from the site entrance towards Bedburn/Rockingham Drive.
5. An illustrative masterplan and landscape strategy sets out that the dwellings would be laid out in a series of cul-de-sacs served off a main distributor road. A SUDS and open amenity area would be provided to the north of the site whilst there would be a central corridor of open amenity space with areas of planting running in an east west direction through the site. A pedestrian access link would provide access onto Calder Close to the north east of the site.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 200 dwellings.

---

## **PLANNING HISTORY**

---

7. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 600 dwellings.
8. There is no relevant planning history directly related to the site however planning permission was refused for a residential development of up to 237 dwelling directly to the north of the application site (ref DM/16/03249/FPA) in February 2017.
9. An outline planning application for up to 150 dwellings further to the north of the site is currently under consideration (DM/16/04062/OUT).

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment

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

12. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

## **LOCAL PLAN POLICY:**

### Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy ENV1 – Protection of the Countryside.* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
23. *Policy ENV3 – Area of Landscape Value –* Sets out that development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.
24. *Policy BE23 – Provision of Public Art -* In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
25. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
26. *Policy H3 – Distribution of Development.* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
27. *Policy H15 – Affordable Housing.* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
28. *Policy H24 – Residential Design Criteria.* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
29. *Policy RL5 – Sport and Recreation Target.* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land



should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.

30. *Policy T1 – General Policy – Highways.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

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

The County Durham Plan

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

#### **STATUTORY RESPONSES:**

32. *Highways Authority* – advise that proposed highways improvement works including the formation of a new priority T junction, provision of visibility spays and formation of a new 1.8m wide footpath an appropriate access into the site would be achieved and the scheme would not adversely impact on highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and subject to offsite highway improvement works to alleviate pressures at the junction at Maude Terrace/Greenfields Road, Dilks Street/A688 roundabout and Watling Road/A688 roundabout the scheme would have an acceptable impact on the highway network. A contribution of £439,661 has been costed to deliver these improvements, secured by a S106 agreement.
33. *Drainage and Costal Protection* – Offer no objections to the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design and subsequent delivery of the scheme.
34. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition. Further upgrade works to increase sewerage capacity would be undertaken by NWL if the development progresses.
35. *Coal Authority* – Advise a condition to secure further site investigations and any required mitigation measures in relation to historic coal mining legacy should be attached to any approval. The layout in any subsequent reserved matters application will need to take into account any shallow coal mine workings and mine entries.

## INTERNAL CONSULTEE RESPONSES:

36. *Spatial Policy* – It is advised that the development would not accord with Policy H3 of the WVDLP (the Plan). However, the Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications on the edge of settlements.
37. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence which, they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.
38. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are no specific policies from the NPPF which indicate the development of this site should be restricted.
39. The site itself is considered to be well related to Bishop Auckland and could be considered to represent a sustainable urban extension to the settlement, in line with the previous draft allocation within withdrawn County Durham Plan. Consideration will need to be given to the landscape impact while pedestrian and cycle movements and sustainable patterns of travel should be promoted. No objections in principle to the scheme are raised.
40. *Landscape Section* – Advise that the proposals would involve a relatively substantial incursion of built development into open countryside west of Bishop Auckland. There would be some harmful effects on the character of the local landscape as a consequence of the scale of development and the visual prominence of some areas. These could be mitigated in time to varying degrees by structure planting although there would be some residual effects. Should the proposals be considered acceptable in principle, some further consideration should be given in master-planning to the scale and distribution of structure planting as part of the reserved matters stage, but should the proposals be approved it would need to be demonstrated at reserved matters stage that the structure planting indicated in the landscape masterplan was sufficiently robust to achieve its objectives.
41. *School Places and Admissions Manager* – Advises that a development of 150 houses could generate an additional 96 primary pupils and 39 secondary pupils. Taking into account current surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that the capacity of primary schools in the area would need to be increased to accommodate the additional demand. After undertaking feasibility work, it is advised that this demand could be met through the provision of additional classrooms. The final decision of where increased capacity

would be provided would be taken separately by the Education Authority, a contribution of £892331 is sought to deliver the increased primary school capacity. In relation to secondary schools, the nearest school Bishop Barrington has no spare capacity, whilst a high proportion of the site could not access King James Academy, by a 2 mile safe walking distance. A contribution of £352,500 is sought to increase the capacity of this school to accommodate the development.

42. *Sustainability Section* – The site was previously assessed as being ‘suitable for housing’ in the 2016 SHLAA. The sustainability appraisal concluded that there were no significant adverse impacts, however it is noted that this edge of town application is at the periphery of a reasonable walking distance to facilities and services. Bus transport is also particularly poor. Connectivity is reasonably good with footpath links to east, however it is advised that the one way in one way out, is not conducive to promoting sustainable transport opportunities. Should approval be granted a condition is recommended to be attached to secure energy mitigation measures.
43. *Sustainable Travel* – Advise that the majority of the site (80% or thereabouts) lies within suitable walk distance to the nearest served bus stops. However the frequency of this service is 1 per hour, a frequency of 2 per hour is recommended. Consideration should be given to increasing the frequency of the service, along with the provision of additional bus stops on Rockingham Drive. It is encouraged that links and upgrading of the public rights way in the vicinity of the site should be undertaken. A conditional approach is required to ensure that an appropriate travel plan is delivered at the site.
44. *Archaeology* – Advise that the results of a geophysical survey has been submitted which has shown some anomalies which may be of archaeological origin are present, however these are not considered to be extensive. The results should however to be confirmed through a programme of trial trenching with the results submitted in support of the reserved matters.
45. *Access & Rights of Way* – Identify that a designated public right of way (Footpath No.12 (Bishop Auckland) lies to the east of the site, however this has been unusable since the adjoining housing estate was built. It is recommended that a pedestrian/cycle access could be provided through Easby Close.
46. *Ecology* – Advise that there are no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. It is advised that the risk of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating buffers to the north and west of the development site for habitat creation and commuting routes for bats and birds, whilst existing trees and hedgerows would be retained where possible and a financial contribution of £43,168 towards the provision of offsite habitat creation in the form of managed grasslands in the local area. Further scrutiny of these matters would be required in relation to the landscape treatment of these areas at the reserved matters stage.
47. *Environmental Health and Consumer Protection (Air Quality)* – Advise that no mitigation measures are required in relation to air quality following completion of the development. However it is advised that dust management plan should be adopted during the construction phase

48. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that a Phase 1 desk top study has been submitted in support of the application. Although these are generally considered sound. A conditional approach is recommended.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures within the submitted noise assessment reports. An odour assessment has been submitted which considers the impact of the existing farming operation in the vicinity of the site which concludes there would not have a significant impact. It is advised that the methodologies and conclusions of the report are sound. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
50. *Employability Officer* - Requests that targeted recruitment and training clauses are included within a planning obligation in the event of approval

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

51. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low. Design advice is offered which should be incorporated in any reserved matters application.

#### **PUBLIC RESPONSES:**

52. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 16 letters of objection have been received in relation to the development as summarised below:

##### *Principle/Sustainability*

- The number of houses proposed within the vicinity of the site is considered excessive particularly taking into account other committed and proposed developments.
- Brownfield sites should be developed first, whilst there is an oversupply of housing in the area.
- The lack of school places in the area is highlighted along with the view that an additional school should be built to accommodate demands.
- Lack of capacity of local doctors.
- There are more sustainable locations and the site does not benefit from good public transport links.
- There is not a demand for new housing a number of properties are for sale in the area are not selling and growth rates in Durham are low.
- The bus service which serves the site is limited, while more than 2 buses are required to access towns outside of Bishop Auckland.
- No bungalows have been provided.

##### *Landscape/Design*

- The site is located outside of the settlement boundaries of the village and its development would lead to a significant visual impact and urban sprawl.

##### *Residential Amenity*

- Loss of residential amenity caused by prolonged duration of construction works and that generated through the development.
- Loss of privacy/overlooking.
- Air quality impacts from additional vehicles.
- Loss of outlook over adjacent countryside

### *Highways*

- The road infrastructure would not cope with additional housing, particularly taking into account other applications proposed.
- Concerns are raised regarding the capacity of Woodhouse Close and Tindle Crescent cross roads.
- Concerns over road safety associated with the proposed access and increase in traffic particularly around peak flows.
- The road infrastructure could not cope with increased construction traffic, due to their width and nature. Existing developments such as Kynren and Auckland Castle developments put significant demands on the road network.
- The submitted transport assessment has not considered the impact of all junctions and the narrow footpaths and there are errors in the assessment/traffic monitoring.
- Vehicles regularly exceed the speed limit in the area.
- The development would put further pressure on the already congested Tindle Crescent.
- The increase in traffic would be incompatible with farm traffic adjacent to the site
- The development would force traffic through the adjacent housing estate of Rockingham Drive.
- A north south access road to the site to the north should be provided.
- Additional land should be provided for residents of Woodhouses for off street car parking.
- Lack of public transport.

### *Other*

- The development would result in the loss of wildlife habitat and green space which is valuable for wellbeing.
- No wildlife corridors have been provided.
- Loss in value of residential properties/ loss of view.
- The site is valuable agricultural land.
- The development would impact on farming operations, in terms of odours and interference from dog walkers.

53. *CPRE (Campaign to Protect Rural England)* objects to the proposed development setting out that the application in conjunction with others proposed in the area represents excessive housing development in the Bishop Auckland area. It is highlighted that the Wear Valley District Local Plan (WVLP) remains the appropriate development plan until the refreshed Durham Plan is adopted. In line with case law it is considered Policies ENV1 and H3 in the WVLP are policies that are relevant to housing supply under Paragraph 49 of the NPPF and are out of date but it is not correct to say that they carry no weight.
54. *Durham Badger Group* highlight the presence of active badger setts in close proximity to the site boundary. The application site is likely to provide foraging ground and to be used as a regular seasonal food source.
55. *Durham Bird Club* identify that the site is not listed as being of major interest for bird enthusiasts. However, it is identified that there is a number of species of county interest because including the Green Woodpecker. Full consideration should be given to mitigation and, if appropriate, compensation. Ground nesting bird species would be displaced as a result of the proposed developments, consideration should be given to attracting other species in lieu of those likely to be lost to ensure that biodiversity is retained in line with the NPPF.

## APPLICANTS STATEMENT:

56. The development is considered to be in a sustainable location, situated as it is directly adjacent to residential development on the western edge of Bishop Auckland. As such, the site is considered to represent a logical extension to Bishop Auckland. Whilst officers are in agreement that the proposals comprise an acceptable form of development in their own right the site, along with land to the north of the Coal Burn that is subject to separate development proposals, forms part of a wider masterplan area that was a proposed strategic housing allocation under Policy H11 (Other Strategic Housing Sites) of the now withdrawn County Durham Plan (CDP). Indeed, it was subject of a detailed Supplementary Planning Document prepared by the Council to guide development on the site. While it is recognised that the draft allocation of the site within the withdrawn CDP can carry no material weight in the consideration of this application, the fact that the masterplan site was considered suitable for allocation in the first instance, including a comprehensive analysis of its suitability as part of the preparation of the SPD, demonstrates that the County Council considers it to be an entirely suitable and appropriate location for residential development.
57. The Government's National Planning Policy Framework (NPPF) identifies a clear growth agenda which is focussed on the need to 'boost significantly' housing supply. In addition, the Council is currently unable to demonstrate a 5 year housing land supply and, as such, it falls for the application to be determined against paragraph 14 of the NPPF which states that, in the absence of relevant up-to-date Development Plan policies, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.
58. The applicant has engaged thoroughly with the Local Planning Authority, both through the pre-application process and since submission of the application, and the Council is satisfied that the proposal before them, first, does not create any adverse impacts that would outweigh the benefits of granting consent and, secondly, represents sustainable development in the context of the NPPF. Importantly, the application has demonstrated to the satisfaction of the Council that, subject to the mitigation measures agreed with the highways authority, there will be no adverse impact on highways, including no impact on the Woodhouse Lane/Cockton Hill junction. In addition, it has been agreed that any landscape or visual impact will not be significant and be short term only.
59. With specific regard to the benefits of the scheme, the proposal will deliver significant economic and other benefits to the residents of Bishop Auckland. In economic terms, the development will create approximately 480 full-time direct jobs (not including indirect jobs created) contribute £892,331 towards Primary Education and £352,500 towards secondary education across the whole catchment area. The proposed development will also generate approximately £6.4m in direct Capital Receipt to the Council from Council Tax and New Homes Bonus over the six years of the New Homes Bonus. In addition, the scheme will deliver further benefits that will be secured through the signature of a Section 106 Agreement. This will include the following:
- £424,320 for offsite sports and recreation provision;
  - £360,000 for offsite highway mitigation works;
  - 10% provision of affordable housing; and
  - Provision of targeted recruitment and training

60. It is the applicant's firm view that outline planning permission should be granted for this application in order that the Council can deliver this important site and, in doing so, support the wider regeneration of the County, and deliver the homes that are needed.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OFJ17QGDJO200>

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

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

### The Principle of Development

#### *The Development Plan*

62. 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 Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

#### *The NPPF*

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

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

65. 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.
66. 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 WVDLP are out-of-date as outlined below.
67. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield site to meet housing need when considered in the planning balance. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

#### *Five Year Housing Land Supply*

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
69. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
  - 1,533 houses per year (29,127 houses by 2033)
  - 1,629 houses per year (30,951 houses by 2033)
  - 1,717 houses per year (32,623 houses by 2033)
70. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
71. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.



72. 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.

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

73. Given the age of the WVDLP 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.
74. WVDLP Policy H3 sets out that new development should be located to the towns and villages best able to support it setting out limits of development. The development conflicts with this saved policy. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole.
75. WVDLP Policy H3 is accompanied by WVDLP Policy ENV1, although not specifically relating to the supply of housing it relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would conflict with this Policy. This Policy is considered only partially compliant with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved policy
76. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
77. The development of the site for housing would, in principle, be contrary to WVDLP policies. However, WVDLP policies for the supply of housing are out of date and development within the countryside policies are not fully NPPF compliant. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### *Locational Sustainability of the Site*

78. NPPF Paragraph 61 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. In this respect, the nature of the eastern boundary (rear gardens of residential properties and land outside the applicant’s control) limits the

amount of pedestrian connections that could be created. However, pedestrian connections would be provided at the southern access point and at the north eastern boundary. It is also indicated that connections would be provided across the Coal Burn to the north if that site was to be developed for housing. On balance, it is considered that the scheme would integrate itself reasonably well into the built environment of Woodhouses/Etherley Dene.

79. In relation to distances to services and amenities, the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Bishop Auckland representing a greenfield extension; however, a distance of 2600m (taken centrally from the site) is evident to the town centre, 1700m to Tindale Crescent retail and employment sites, 1500m to the nearest secondary school and 1400m to the nearest primary school. The nearest GP is located 2500m away while Bishop Auckland Hospital is located 2200m away.
80. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum' of the Institution of Highways and Transportation (CIHT "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However it is recognised that Bishop Auckland is one of the largest settlements within the County with the joint highest sustainability score (with Durham City) as set out in the Council's Settlement Study 2012. This is due to a wide range of services and amenities such as primary and secondary schools, several GP's and Health Centres community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Bishop Auckland was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of up to 320 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of services provided even when taking into account other committed and proposed housing developments. It is also recognised that a greenfield extension to any settlement, particularly a larger settlement like Bishop Auckland, would inherently be located further way from a centre and would lie beyond the preferred distances set out above. The walking routes are also on adopted well-lit highways with no significant topographical restrictions. The Bay Horse Pub at Woodhouse would provide some limited serve and amenity function.
81. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride. Bus stops are located at the bottom of Rockingham/Bedburn Drive, a maximum of a 700m walk for future residents, although 80% of the site would be within an approximately 400m walk of these bus stops or the bus route, subject to securing existing bus stop facilities on the route down Rockingham Drive and a new pedestrian footway along Greenfields Road by condition. It is recognising that the bus service serving this area of Bishop Auckland only currently runs on an hourly service, below the desirable 2 per hour frequency. Consideration has been given to mechanisms to increase the frequency of this service, however mindful of other development costs and planning obligations it is considered that the development would not be able to make a financial contribution in this respect and remain viable. Notwithstanding this a range of transport options would be available for future residents whilst increase demand may allow an increased bus service at a future date. In addition to this a condition is recommended to ensure the site layout includes a bus turning/loop facility along with bus stop provision. This would allow the potential of rerouting the service into the shite should this be achievable at a future date. Overall a range of transport options would be

available for future residents whilst increase demand may allow an increased bus service at a future date

82. Overall, it is considered the improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and Policies GD1 and H24 of the WVDLP which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

#### Landscape and Visual Impact

83. WVDLP Policy GD1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. Policy ENV3 also seeks to protect the special character and appearance of the Area of Landscape Value (ALV) of the Wear Valley. These Policies are considered consistent with the NPPF which also recognises the intrinsic character and beauty of the countryside whilst seeking to protect valued landscapes. Full weight can therefore be given to these policies in the decision making process in this respect.
84. WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals for agricultural or compatible uses as permitted by Local Plan policies. This Policy is considered only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore can only be afforded moderate weight. WVDLP Policy H3 seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area can accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, in this respect moderate weight can be afforded to the Policy.
85. The site lies in proximity of the high watershed between the Wear and Gaunless valleys on the north facing slope of the shallow valley of the Coal Burn, the southern part of the site rolls over the ridge to the south. The site is made up of a single large arable field that forms part of a wider tract of open arable farmland running along the ridge. The site is generally visible from the Coal Burn Valley near to the site in relatively shallow views from the west and south and deeper views from the north. Views include those from Wigdan Walls Road, a section of Etherley Road and Footpath Bishop Auckland No 10. It is visible at close quarters from housing to the immediate east and is visible from the rear of properties in Woodhouses at close quarters and in more distant, and relatively oblique shallow views, from properties in the south of Etherley Grange. The southern edge of the site is visible in shallow views from land south of Woodhouses including from Greenfields Road and Footpath No. 14 (Bishop Auckland). It is visible in shallow views at greater distances (2-5km) from higher ground to the north and east where it lies on the skyline, though forming a relatively small part of visually complex panoramic views.
86. The Council's Landscape officers advise that the effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse. This is always the case for development of this kind on green field sites. It is considered that the effect on the character of the local landscape – the Coal Burn Valley within around 1.5km – would be of a medium-high magnitude towards the end of the development phase falling to a medium magnitude over time as structural landscaping developed.

87. In views from Wigdan Walls Road, and particularly in deeper views from the north where higher ground in the south of the site is notable, extensive areas of built form would be visible. This could be screened in views from immediately adjacent parts of the road by robust structural landscaping as shown on the indicative masterplan. This would take some time to develop – although if planted at the outset the time frame could be similar to the build-out period of a site as large as this. In deeper views from the northern part of Wigdan Walls Road, as well as from parts of Etherley Lane and footpaths in that area, perimeter structure planting would have a more limited effect as built form would be visible on rising ground, and particularly in the western part of the site. This could be mitigated by introducing internal structure planting running across the slope as indicated on the amended landscape master plan subject to further detail to ensure delivery of forest scale trees.
88. In more distant views across the Wear valley to the north the built development in the higher ground of the south of the site would be visible on the skyline. It would typically form a small part of visually complex panoramic views and would be unlikely to have a significant effect on the general character of the settled landscapes visible in those views. In more distant views from the south, built development on the southern edge of the site would be visible on the skyline. This would be associated with existing built form on the skyline and would be unlikely to have a significant effect on the general character of the settled landscapes visible in those views provided that it was assimilated by structure planting including trees of sufficient scale on the southern boundary.
89. The proposals would be visible in views from higher ground in the ALV to the north, as set out above built development in the higher ground of the south of the site would be visible on the skyline. This would have some effect in localised views introducing built form into an otherwise largely rural scene, but would generally from part of visually complex panoramic views across a settled landscape. It would be unlikely to have significant effects on the special qualities of the ALV provided that roof materials in that part of the site were visually recessive
90. It is advised by Landscape Officers that there would not be a significant cumulative visual impact over and above the scheme's individual impact when considering the other developments proposed to the south.
91. WVDLP Policies GD1, ENV1, ENV3 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development, particularly in relation to the ALV. As a result of the development an extension beyond the established settlement edge would occur, contrary to local plan policy policies. However, this visual impact is relatively localised while views of the site would largely be set against the backdrop of existing housing development or in shallow complex landscape views. The submitted proposed landscaping strategy subject to a detailed design and minor modifications would help mitigate this impact. On the advice of Landscape Section it is considered that overall the development would amount to adverse landscape harm conflicting with local plan policies GD1, ENV1, ENV3 and H3 and the NPPF and therefore this impact needs to be considered within the wider planning balance.

## Layout and Design

92. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. These Policies are considered consistent with the NPPF which at Part 7

identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to these policies in this respect in the decision making process.

93. Furthermore Paragraph 58 of the NPPF sets out that decision should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be resisted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
94. It is recognised that the application is in outline form, with details regarding the layout and design remaining reserved. However, an indicative masterplan has been provided which details how the development could be laid out, whilst setting out some layout parameters in relation to landscaping and pedestrian connections.
95. In considering the scheme against the above policy criteria, recognising the opportunities and constraints of the site, it is considered that overall the development would have an appropriate relationship to the surrounding built environment providing a low density development with adequate buffers to Widgan Walls Road and Greenfields Road to retain a rural feel and provide a soft edge to the development. The indicated highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development. The area of SUDS and landscaping within the site has the potential to create an attractive public realm. Consideration will need to be given in any reserved matters application regarding the treatment of the level changes across the site in terms of terracing.
96. WVDLP Policy BE23 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the WVDLP Policy. The Policy is considered partially consistent with the NPPF, and can be afforded weight. The applicant has committed to the provision of art on the site to be secured by condition, and to either be delivered at the site entrance or within the public open space.
97. Overall, it is considered that the scheme has the potential to deliver a high quality visually attractive development and would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself to the existing settlement, in accordance with WVDLP Policies GD1 and H24 Paragraphs 58, 61, 62 and 64 of the NPPF.

#### Highway Safety and Access

98. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF in this respect (and therefore afforded full weight) which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In

addition, Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

99. The development would be served by a single vehicular access taken off the adopted highway Greenfields Road in the form of a priority T junction. A new 1.8m wide footway is proposed to extend back to Bedburn/Rockingham Drive. The Highway Authority advises that these works would result in the development being served by an appropriate means of access that would protect the highway safety of other road users. Conditions are recommended to fully detail and secure the implementation of the highway access works along with the provision of the new footway. A separate condition is also recommended to secure the indicated pedestrian access onto Calder Close and future connections to the north if that site is developed.
100. Objections have been raised by local residents regarding the capacity of the local highway network to accommodate the development and others proposed in the area, while it is highlighted that a number of junctions in the area experience significant queuing. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area and mitigation is proposed to bring the junction of Maude Terrace/Greenfields Road, up to operational capacity and to mitigate the impact of development traffic flows. The mitigation is in the form of junction widening and layout changes with traffic signal reconfigurations. Further mitigation is proposed to Dilks Street/A688 roundabout and Watling Road/A688 roundabout including lane widening.
101. The Council as Highway Authority, agree with the methodology in the submitted Transport Assessment (as amended) to assess the traffic impact of these development. It is advised that the mitigation proposed at Maude Terrace/Greenfields Road would result in the junction operating satisfactorily with the added flows of the development. Likewise the mitigation proposed to Dilks Street/A688 roundabout and Watling Road/A688 roundabout would ensure that these junctions continue to operate acceptably.
102. Due to the mitigation proposed above it is advised that severe cumulative impact on the transport network would not likely arise. To mitigate the developments impact a figure of £439,661 has been costed to deliver these off site highway improvements which would be secured by a S106 agreement for the Highways Authority to deliver. It is also recommended that a condition to secure the implementation of an appropriate travel plan for the site, to encourage alternative forms of transport is imposed.
103. Subject to the above mitigation, the development would acceptably mitigate its own impact on the highway network, however the Highway Authority have also considered the impacts alongside other planning applications and committed developments in the area. Without pre-empting the outcome other applications, it is advised that if all proposed and committed developments are built, a wider scheme of highways capacity improvement would be required to ensure that the schemes would have an acceptable cumulative impact. To deliver this wider scheme of improvement the highway contributions secured under individual planning applications would be combined (whilst still complying with The Community Infrastructure Levy Regulations 2010) for the Highways Authority to deliver improvement schemes where it considers they are required.

104. The objections of local residents regarding the proposed access arrangements, current road conditions and cumulative impact on the highway network are noted. However, as above, after scrutinising the planning application the Highway Authority concludes that providing the improvements and mitigation are implemented there would not be detriment to highway safety and the development would not result in severe cumulative impacts.
105. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while the development would have some impact on the wider highway network, this would not be at a severe level, subject to securing the mitigation proposed. The scheme is therefore considered to accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

## Ecology

106. WVDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy is considered consistent with part 11 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located 2.5km to the south east of Witton-le-Wear SSSI and 560m from Escomb Pasture Local Wildlife Site. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. Ecology officers consider that the methodology and conclusions of the report sound and also advise that there would not be any significant loss of foraging ground for badgers that would impact on the conservation status of the species. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating a dark corridor for bats along the Coal Burn, and a financial contribution of £43,168 towards the provision of offsite habitat creation in the form of managed grasslands in the local area. This would be secured by way of a planning obligation
107. Given the lack of impact on biodiversity interests on the site, along with the proposed mitigation, Ecology officers advise that the proposed, the development is considered to conform to WVDLP Policy GD1 and Part 11 of the NPPF in this respect subject to fully developing the mitigation scheme at a reserved matters stage. A condition to secure this is recommended.

## Residential Amenity

108. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. These policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. While NPPF Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
109. The indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings can be achieved as advocated in the Local Plan. Overall given these separation distances it is considered that there would not be a significant reduction in

existing resident's amenity, in terms of overlooking and privacy and outlook. Further scrutiny of this matter would be given at reserved matters stage.

110. The development would increase the comings and goings of vehicles, and to lesser degree pedestrians which would have a limited impact on residential amenity of existing residents. However this is not considered to be at a significant reduction that would warrant refusal of the application.
111. In order to limit the potential disturbance for existing and future residents during construction, the Council's Environmental Health and Consumer Protection officer recommends that a construction management plan be secured through condition to deal with construction related impacts.
112. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing public house on Wigdan Walls Road. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties along Etherley Lane would ensure that residential amenity would be protected. Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to implementation the relevant thresholds set out in the Council's Technical Advice Note in relation to noise would be achieved subject to detailing the final mitigation and securing its implementation.
113. An Odour Assessment has been submitted which considers potential odour sources in the proximity of the site, including Wigdan Walls Farm. The Assessment concludes that while there would be certain times odour may be detectable this would not result in a significant impact. Environmental Health and Consumer Protection Officers have reviewed the submitted assessment, and advise that the methodologies of the report, assumptions and its conclusions are sound and that odour levels would not be significant at residential properties. It is therefore considered that there would be no further constraints placed on existing businesses under the Environmental Health and Consumer Protection Act (statutory nuisance) and any potential impact on residential amenity of future residents would be minimal and is not considered to warrant refusal of the application on this basis.
114. Overall, the scheme would comply with WVDLP Policies GD1 and H24 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and achieve a satisfactory separation distance internal and external to the scheme. Future residents would also experience acceptable levels of residential amenity.

#### Flooding Risk and Drainage

115. 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.
116. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a potential drainage strategy comprising the incorporation of Sustainable Urban Drainage (SUD's) including a detention basin to capture surface



water in 1 and 100 year flood events to discharge to mains drainage at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and porous paving, which would help achieve water quality treatment and improvement before being discharged. Subject to securing the finer detail of this approach, to be submitted at the reserved matters stage the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.

117. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections, subject to detailing the design of the layout. Northumbrian Water advises that the capacity of the existing network would be increased should the development commence.
118. Subject to conditions to resolve the final surface and foul water disposal, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

#### Ground conditions

119. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advise that underground coal mining has taken place underneath the site at shallow depth, along with the potential of a mine entries and potential unrecorded mine workings. The applicant has detailed in principle how these mine entries would be treated while large areas of the site would be grouted to stabilise the land. The Coal Authority raises no objections to this strategy further to controlling by condition the finer detail of any mitigation work once further survey has been undertaken.
120. In relation to land contamination the applicant has submitted a phase 1 desk top study, undertaken site investigations and gas monitoring which identifies that there is a low risk of contaminants being present on site. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that further monitoring and assessment is required, particularly in relation to gas monitoring, it is recommended that this is agreed by condition.

#### Heritage Impacts

121. The Grade I building of Escomb Church is located 1.5km to the north of the site. Bishop Auckland Conservation Area lies 2.1km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II\* Listed building of Witton Tower is located 4.5km to the north west of the site. The Grade I building of Escomb Church is located 1.5km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.35km to the east of the site. Given these separation distances and the limited inter visibility between the site and the nearest listed buildings it is considered that there would be no heritage related harm associated with the development in this respect, particularly in relation to setting of Listed Buildings.
122. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made.

The Council's Archaeology Officer advises that the results of a geophysical survey has been submitted which has shown some anomalies which may be of archaeological origin are present, however these are not considered to be extensive. The results should however to be confirmed through a programme of trial trenching with the results submitted in support of the reserved matters and secured by condition. Subject to this further investigation any harm would be mitigated in this respect.

#### Other matters

NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The agricultural land (15.2ha) is classified as Grade 3b, falling below the definition of best and most versatile which the NPPF seeks to protect and the weight afforded to this adverse impact is therefore reduced

123. The applicant has submitted an Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. Environmental Health and Consumer Protection officers advise that no mitigation measures are required in relation to air quality following completion of the development. It is also identified that other developments in the area have considered their impacts in respect of impact of air quality and it is concluded that the cumulative impacts of the developments would be negligible. However, it is advised that dust management plan should be adopted during the construction phase in order to comply with Policy GD1 of the WVDLP and Part 11 of the NPPF.
124. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that on balance whilst a secondary vehicular access point would be desirable on the whole the development is considered sustainable. However, it is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. This would be achieved through the building regulations as opposed to a planning condition.
125. No response has been received from the NHS regarding potential capacity issues within the Bishop Auckland Area. It is however, noted that there are a number of GP surgeries that could serve the development whilst there is also a walk in centre.

#### Planning Obligations

126. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. In this respect the Council's Education officer highlights that a development of up to 320 dwellings would be expected to generate 96 primary and 39 secondary pupils. Although there is a degree of capacity within primary schools within Bishop Auckland that are accessible to the site via a 2 mile safe walking route, when taking into account of other developments proposed within the area the capacity of primary schools would need to be increased to accommodate the additional demand. The Council has undertaken a feasibility study of 6 existing schools within 2 miles of the application site. This study involved an assessment whether relevant schools could be extended to accommodate additional demand generated by proposed developments in the area. The feasibility work concludes

that the demand could be met through the extensions of a combination of Escomb Primary School, St Anne's Primary School and Woodhouse Primary School. The Education Authority would make the final decision on how and where the increased capacity would be provided. A contribution of £892,331 is required to mitigate the developments impact in this respect, secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990.

127. In relation to secondary school places, the Council's Education officer advises that there will be no space places at Bishop Barrington School as of 2020/21. Although a proportion of the site could access King James I Academy within a 2 mile safe walking route, approximately two thirds of the site could not. A contribution of £352,500 is required to enable the Council to increase the capacity of Bishop Barrington School to accommodate pupils generated from the development. These contributions would be in line with the Council's adopted policy on securing developer contributions in relation towards education provision and are required to mitigate the developments impacts.
128. WVDLP Policy H15 in accordance with Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. It is indicated that the development would provide a total of 32 dwellings. The applicant has agreed to this requirement, with the delivery and tenure to be secured by way of a planning obligation pursuant to S106 of the Town and Country Planning Act 1990.
129. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
130. 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.
131. In this instance the site layout indicates that around 3.5ha of amenity open space, semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However an offsite contribution of £424,320 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is required to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a planning obligation
132. The Council's Employability officer requests that targeted recruitment and training clauses are included within a planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

#### Planning Balance

133. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to

justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

### *Benefits*

134. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
135. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.
136. 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.
137. The development would provide a range of house types including up to 32 affordable housing units which would meet an identified short fall within the County.
138. The scheme would provide for public realm including amenity and open space that would be accessible for local residents.

### *Adverse Impacts*

139. The development would result in residual landscape harm from developing a greenfield site and extending the built development into the countryside. Planting proposed as mitigation, together with the sites limited visibility in the wider landscape, would help reduce the visual impact of the scheme as a whole.
140. The development would result in a residual impact on the wider highway network through the increase in traffic, however, financial contributions to provide highway improvements as mitigation would reduce this impact and a severe cumulative highway impact would not arise.
141. The development would result in the loss of around 15.2 ha of agricultural land, however as the site is Grade 3b agricultural land, it is not considered to be "best and most versatile", and the weight afforded to this adverse impact is therefore reduced.

---

## **CONCLUSION**

---

142. The development would conflict with WVDLP Policies H3, ENV1 and ENV3. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged. Residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should

be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

143. It is identified that the development would result in residual landscape harm from developing a greenfield site and the resultant incursion into open countryside, and there would be some residual impact on the wider highway network through increase traffic. However, due to the sites limited visibility in the wider landscape and mitigation secured to improve capacity in the highway network, for the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply position. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with relevant WVDLP policies.
144. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards education capacity, highway mitigation works, provision of affordable housing, are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight.
145. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

---

## **RECOMMENDATION**

---

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

- 10% Affordable Housing units
- £439,661 for offsite highway mitigation works
- £892,331 Primary school education contribution
- £352,500 Secondary school education contribution
- £424,320 For offsite sporting and recreation provision
- £47,000 For offsite ecological mitigation works
- Provision of a targeted recruitment and training/local labour scheme
- Securing pedestrian links over Coal burn

and subject to the following conditions:

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

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

2. Application for approval of reserved matters for the first phase of the development shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved for that phase. In case of approval of reserved matters for subsequent individual phases on different dates, development of each phase must be begun not later than the expiration of two years from the approval of the reserved matters for that phase. All reserved matters shall be submitted within a period of 10 years from the date of this permission.

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

3. The development hereby approved shall comprise a maximum of 320 dwellings

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

4. Prior to the commencement of development (excluding, archaeological investigation, services diversions, any land remediation/ground improvement or highway improvement works) a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase or part thereof submitted pursuant to Condition 2 above shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase or part thereof as defined on the phasing plan approved pursuant to this condition.

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

5. Application for approval of reserved matters for the relevant phase of development shall be in accordance with the Landscape Strategy, Option 3b.

*Reason: In the interests of visual amenity in accordance Part 11 of the NPPF and Policy GD1 of the Wear Valley District Local Plan.*

6. Application for approval of reserved matters shall make provision for a bus turn facility/loop within the site and appropriate bus stop infrastructure together with details of the timing of the subsequent implementation of the agreed details.

*Reason: To promote sustainable travel in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

7. Application for approval of reserved matters for the relevant phase of development and any operations shall be in strict accordance with the Mitigation detailed in Section H of the Ecological Impact Assessment undertaken by E3 ecology, dated October 2016.

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy GDP1 of the Wear Valley District Local Plan.*

8. The amount of open amenity/recreation and green space provided in the development shall at a minimum equate to 0.768ha of open amenity space, 0.384ha of outdoor play space and 0.768ha of semi natural Green Space typologies as set out in the Council Open Space Needs Assessment 2010.

*Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policy RL5 of the Wear Valley District Local Plan and Policy 73 of the NPPF.*

9. Prior to the occupation of the first dwelling hereby approved full engineering details of access and highway improvement works based on the principles set out in drawing number C0004 rev B shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully constructed prior to the construction of the 30<sup>th</sup> dwelling.

*Reason: In the interests of highway safety in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

10. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway from site entrance along Greenfields Road to Bedburn Drive, shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall thereafter be constructed in accordance with the approved details prior to the occupation of the 30<sup>th</sup> dwelling hereby approved.

*Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

11. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway connecting the development site to Calder Close shall be submitted to and approved in writing to the Local Planning Authority. The footpath thereafter be constructed in accordance with the approved details prior to the occupation of the 30<sup>th</sup> dwelling hereby approved.

*Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

12. Prior to the occupation of the first dwelling hereby approved, provision shall be made for new bus stop infrastructure on the Rockingham Drive in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be installed prior to the occupation of the 30<sup>th</sup> dwelling.

*Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.*

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

*Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

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

*Reason: In the interests of the visual amenity of the area having regards to Policies GD1 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

15. Prior to the occupation of the first dwelling of the relevant phase a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework*

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework*

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

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

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.



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

18. Notwithstanding the submitted information, 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 undertaken in accordance with the approved details and timings thereafter.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE23 of the Wear Valley District Local Plan and Part 7 of the NPPF.*

19. Prior to the erection of the first dwelling of the relevant phase a detailed acoustic mitigation scheme for that phase, based on the noise impact assessment report compiled by Wardell Armstrong ref 002 dated October 2016 as amended February 2017, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

*Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the NPPF.*

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

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework.*

21. 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:
1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with GD1 of the Wear Valley District Local Plan and JPart 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

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

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

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

23. Prior to the submission of any reserved matters application a scheme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

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

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

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

#### Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and

verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

#### Completion

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

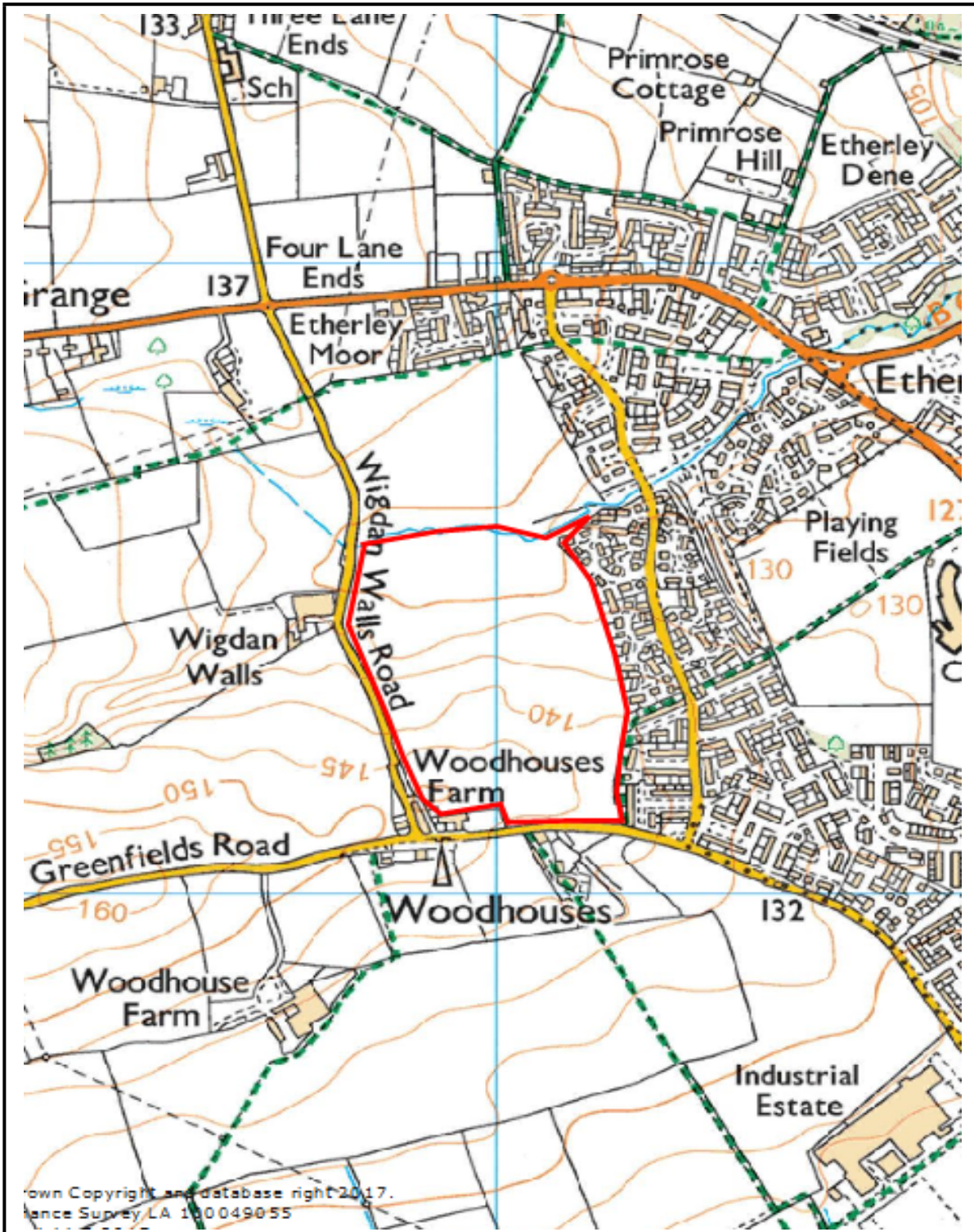
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of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


---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley District Local Plan 2006
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Public Place Planning Document 2006
- Calculating developer contributions in relation to education.
- Statutory, internal and public consultation responses
- Planning applications DM/16/03249/FPA and DM/16/04062/OUT



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>DM/16/03395/OUT Outline application for up to 320 residential units with all matters reserved except from access.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> June 2017</p>	<p><b>Scale</b> Not to scale</p>

This page is intentionally left blank

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION No:</b>	CMA/6/54
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed erection of 2 buildings, 1 storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory/office to create fertiliser for agricultural use with associated access and hardstanding
<b>NAME OF APPLICANT:</b>	AWSM Farms
<b>ADDRESS:</b>	Land To West Of Lane Head Farm Lanehead Lane Hutton Magna Richmond DL11 7HF
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Chris Shields, Senior Planning Officer 03000 261 394, <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The site occupies an area of approximately 1.1ha within an essentially rural landscape, which is predominantly in use for agriculture. The landscape is broken up by scatterings of farm buildings and small hamlets, including Lane Head, and the buildings in the area are typically a mix of traditional local stone buildings with slate roofs and modern agricultural buildings.
2. The A66 lies approximately 680m to the south of the application site and is the main highway connection for the site. The site is not located within an area designated for its landscape, ecological or heritage value. The nearest Area of High Landscape Value (AHLV) is located approximately 1.5km to the west. The nearest heritage assets are the Grade II listed Newsham Grange Coach House and Manor 550m to the west, Grade II listed Hutton Hall Farmhouse, Garden Walls, Outbuilding, Cartshed and Granary 1.3km to the north east and Grade II listed Church of St Mary and Cross Base also 1.3km to the north east.
3. The village of Hutton Magna lies approximately 1.2km to the north east of the application site, whilst the nearest main settlement is Barnard Castle, which lies some 7.5km to the north west.
4. The application site lies to the west of Lane Head Farm within an existing agricultural field. There is an existing slurry store located on the application site and this would form part of the proposed development, although it would require rebuilding. The proposed development would be accessed via an existing farm track from Lanehead



Lane that is shared with Bridleway No.3 (Hutton Magna Parish), which continues past the application site and joins with Bridleway No.13 (Wycliffe and Thorpe Parish) further to the north. Footpath No's.1 and 2 (Hutton Magna Parish) dissect the farm track approximately 180m to the north of Lanehead Lane.

5. There is a dense tree plantation to the west of the site and more sporadic tree cover to the north and east. The site has an open aspect to the south and is visible from the highway.
6. The nearest residential properties lie approximately 900m to the north east in the village of Hutton Magna. 700m to the south west is a group of properties close to the A66 Motel and a further group of properties at Rokeby Close 600m to the south, which are the closest to the site.

## The Proposals

7. A full planning application for the erection of 3 No. buildings, 1 No. storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory / office to create fertiliser for agricultural use with associated access and hardstanding was submitted in 2012. It was intended that the proposed plant would be capable of accepting, storing and physically treating waste products from producers in Durham, Cumbria and Teesside. Only waste materials deemed suitable by virtue of their nutrient and organic matter content would be used in the process to create a nutrient rich fertiliser. It was proposed that the product would be applied to approximately 1300 hectares of land farmed by the applicant within a 15-mile radius of Lane Head Farm.
8. The proposals were revised as a result of consultation responses and opportunity for partnership working. The proposals now involve the erection of a plant at Lane Head Farm that would be capable of accepting, storing and blending up to 70,000 tonnes per annum of farm crops / waste, including agricultural slurry, straw, silage, maize, fodder beat and farm yard manure and food waste from various sources in Durham, Cumbria and Teesside to blend into a feedstock suitable to be used in offsite anaerobic digesters. No information relating to the specific type of food waste has been provided. The biogas can be used directly in engines for Combined Heat and Power (CHP), burned to produce heat, or can be cleaned and used in the same way as natural gas or as a vehicle fuel. The resultant digestate would be used as a renewable fertiliser or soil conditioner.
9. The proposed facility at Lane Head would undertake the 'Pre-Treatment' phase, storing and blending farm waste / crops and other forms of food waste to feed AD plants in the area. Essentially, this involves mixing different types of waste to attain a nutrient balance. The proposed development would provide a consistent feedstock to AD plants which would be in the optimum condition for biogas production providing environmental, operational and efficiency benefits for AD plant operators, as well as for AWSM Farms, as it is intended that the digestate would be returned to AWSM Farms at the end of the process to be used as a fertiliser that would be applied to ASWM's landholding in the surrounding area.
10. The proposals now include the provision of 2 No. agricultural style buildings, which would measure approximately 30.6m x 22.3m and would be 5.56m in height to the eaves and 7.25m to the ridge. These buildings would incorporate a material storage facility and blending plant.
11. The blending plant would consist of 10 tanks, which would be 4.5m in diameter and 5.5m in height. The tanks would be arranged in two rows of five tanks and each tank



would have an approximate capacity of 87m<sup>3</sup>. The tanks would be housed in one of the aforementioned agricultural style buildings, which would incorporate a non-permeable sealed floor and the necessary bunding.

12. The second agricultural building would house 6 No. 5m wide storage bays for the storage of feedstock material both pre and post-blending. The proposals also include office and welfare facilities and a weighbridge.
13. The proposals also seek the retention of the existing slurry store that occupies the site, as well as the provision of an additional store of the same dimensions. The stores would be utilised for the storage of materials pre and post-blend, as well as digestate that would be returned to AWSM Farms to be used as fertiliser.
14. The proposed buildings and structures would be surrounded by a concrete hardstanding that would allow the movement of vehicles around the perimeter of the building for loading and unloading. The existing access from Lane Head Lane would be upgraded through widening and provision of appropriate visibility. Furthermore, the proposals include the provision of fencing to provide the realignment of the existing bridleway to run alongside but separate to the access track serving the development.
15. In order to limit the range that fertiliser stored at the proposed development is spread it is the intention of the applicant to agree the specific land holdings where it would be used and this would be written into a planning obligation secured under Section 106 of the Town and Country Planning Act 1990. The land holdings would all be within 15 miles of the application site.
16. The application is being reported to the County Planning Committee because it is for major waste development with a site area greater than 1ha.

---

## **PLANNING HISTORY**

---

17. There is no known planning history for this site although there have been several applications for the Lane Head Farmstead relating to agricultural buildings and plant.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. 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 dependent.
19. The NPPF does not contain specific waste policies as these are contained within the National Planning Policy for Waste (NPPW) document. However, the NPPF requires local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.
20. 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'. The following elements of the NPPF are considered relevant to this proposal.

21. 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 below.
22. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
23. *NPPF Part 4 – Promoting Sustainable Transport.* States that 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.
24. *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 policies and 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.
25. *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.
26. *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.
27. *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, minimising 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.

28. *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>

29. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal is the practice guidance with regards to air quality, transport, flood risk, waste and use of planning conditions.

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

30. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

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

##### County Durham Waste Local Plan (2005)

31. *Policy W2 – Need* – requires the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy.
32. *Policy W3 – Environmental Protection* – states that proposals for new development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.
33. *Policy W4 – Location of waste management facilities* – states that proposals for new waste management facilities will be determined having regard to protection of the environment and local amenity, traffic impacts, opportunities to integrate with other facilities or developments which will benefit from the recovery of materials and to extend or develop existing waste management facilities.
34. *Policy W6 – Design* – requires new buildings for waste management uses to be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to

illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.

35. *Policy W7 – Landscape* – states that proposals for waste development which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted.
36. *Policy W17 – Nature Conservation (Minimisation Of Adverse Impact)* – states that proposals should incorporate measures to ensure that any adverse impact on the nature conservation interest of the site is minimised.
37. *Policy W18 – Listed Buildings* – sets out a requirement to preserve Listed Buildings unless it can be demonstrated that there are no alternative sites available and there are imperative reasons of overriding public interest sufficient to outweigh the loss of or damage to the setting of the building.
38. *Policy W24 – Public Rights of Way* – States that waste development will be permitted where there will be no significant adverse impact upon the recreational value of the countryside, including the local path network, country parks and picnic areas
39. *Policy W25 – Agricultural Land* – States that proposals for waste development that would impact upon, or lead to the loss of high quality (best and most versatile) agricultural land will be strongly resisted unless there is a need for the development in this location.
40. *Policy W26 –Water resources* – Proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to: the quality of surface or groundwater resources; and the flow of surface or groundwater at or in the vicinity of the site.
41. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
42. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
43. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
44. *Policy W33 – Protecting local amenity* – requires that suitable mitigation measures are incorporated into proposals to ensure that any harmful impacts from noise, odour, litter, vermin, birds, dust, mud, visual intrusion and traffic and transport are kept to an acceptable level.
45. *Policy W36 – Locations for Waste Recovery Facilities* - states that unless it can be clearly demonstrated that any environmental impacts can be effectively mitigated proposals for new or the expansion of existing waste management facilities should

be fully contained within well designed buildings or enclosed structures appropriate to the technology or process and appropriate in scale and character to their surroundings.

46. *Policy W38 – Waste Transfer Stations* - states that proposals for Waste Transfer Stations and Materials Recovery Facilities will be permitted where it can be demonstrated that the development will assist the efficient collection and recovery of waste materials, and they can be satisfactorily located: a) on land identified for general industrial use ; or b) on previously developed land in sustainable locations; or c) as part of an existing waste management facility; or d) where the proposal forms part of an integrated waste management facility. It is also stated within this policy that provision will be made for new waste transfer facilities in Teesdale and Wear Valley.

#### Teesdale District Local Plan (2002) (TDLP)

47. *Policy ENV1 – Protection of the Countryside* – states that development in the countryside will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs or an existing countryside use where there is a need on the particular site involved and the landscape and wildlife resources in the area are not unreasonably harmed.
48. *Policy ENV16 – Development Affecting Rivers or Streams and their Corridors* – seeks to resist development that would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.

#### EMERGING POLICY:

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.

---

## CONSULTATION AND PUBLICITY RESPONSES

---

#### STATUTORY RESPONSES:

50. *Richmondshire District Council* – initially objected to the proposal due to the impact from odour, particularly from land spreading, and the potential for groundwater contamination. Following the submission of additional information which confirmed that the proposal would involve the spreading of digestate rather than waste the objection was withdrawn.
51. *Hutton Magna (County Durham), Ovington (County Durham), Barningham (County Durham) and Dalton (North Yorkshire) Parish Councils* – have produced a joint objection to the proposal due to the inappropriate and unsustainable countryside location for the facility that would involve waste being transported multiple times over distances of 75 to 150 miles and imported unnecessarily into the County. The Parish

consider that the development would result in increased pollution from noise and odour that would be detrimental to residential amenity and tourism in the area. Concern is raised in relation to the potential impact to wildlife and their habitats from traffic emissions and leakage of slurry and waste products during transfer and while in storage. It is considered that the proposal conflicts with development plan policy in respect of sustainable development, need, amenity and location.

52. *Whorlton and Westwick (County Durham) Parish Council* – has objected to the proposal due to the impact on the bridleway, pollution of watercourses near to the site and impact on highways from large farm vehicles.
53. *Gayles (North Yorkshire) Parish Council* – has objected to the proposal due to the limited detail in the application regarding the construction of the buildings, how will waste will be stored and processed and the impact on highways from increased traffic movements. Concern is raised in relation to the types of waste that would be brought to the site and the odour that these materials have, which would affect the villages and tourism related businesses around the site.
54. *East and West Layton and Carkin (North Yorkshire) Parish Council* – has commented that whilst they are supportive of sustainable development of agricultural business it is important to minimise any negative impact and that new installations should be to be as unobtrusive as possible. Concern is raised regarding odour and it is requested that unpleasant odours should be efficiently controlled.
55. *Highway Authority* – has raised no objections to the proposals but has requested that additional passing places need to be created on the C171 Road. These works would be included in a Section 278 Legal Agreement.
56. *Environment Agency* – has raised no objections to the proposals but has provided advice to the applicant regarding the requirement for a bespoke Environmental Permit. Officers do, however, note that the site and existing slurry store are in a vulnerable location close to a watercourse. A serious pollution incident occurred in 2015 as a result of waste leaking from the existing store and the Environment Agency require information from the applicant to demonstrate that these structures comply with the SSAFO (Storage of Silage, Slurry and Agricultural Fuel Oil) Regulations 2010.
57. *Northumbrian Water* – advises that it has no comments to make on the proposals.

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

58. *Spatial Policy* – state that the development is contrary to the sustainable waste strategy for the County and the proximity principle (incorporating self-sufficiency). It is also contrary to locational policies W4, and W36 and W38 of WLP and ENV1 of the TDLP. There has been no explanation of why the plant needs to be located there or why it needs to import material from elsewhere. Furthermore, its location in the open countryside presents potential conflicts with the NPPF; NPPW along with Policies W4, W36 and W38 of WLP and ENV1 of the TDLP. Officers advise that there are potential conflict with environmental protection policies unless adequate mitigation can be demonstrated.
59. *Landscape* – has raised no objections to the proposals stating that the site is not within any locally or nationally designated landscape. It is noted that the existing tree screening for the site is by a conifer plantation that would presumably be harvested eventually and it is therefore considered important that the proposed landscaping scheme for the site take this into consideration.

60. *Ecology* – officers raised concerns that the development has the potential to impact upon protected species including Great Crested Newts, Watervole and breeding birds. Further surveys were requested to address these issues. An eDNA test for Great Crested Newts was carried out in the waterbodies close to the site and this returned a negative result. Surveys for Watervole and breeding birds were not carried out and remain an outstanding issue. Ecology officers remain concerned that the facility could lead to pollution into the waterbodies abutting the site, which may lead to potentially damaging effects to protected species downstream.
61. *Access and Rights of Way* – has no objections to the proposals but note that Public Bridleway No.3 (Hutton Magna) would be directly affected and would need to be diverted.
62. *Environmental Health and Consumer Protection (Noise and Odour)* – has considered the proposal in relation to the relevant Technical Advice Notes (TANS) in respect of odour and noise. Officers advise that submitted details indicate that the development would not lead to an adverse impact or statutory nuisance subject to conditions. These conditions would require a scheme of odour management measures including the stack height and chosen abatement technology to be submitted prior to the commencement of development and also a condition restricting night time noise levels (1900 – 0700) to no more than 0dB LAeq (1 hour) above background (LA90, 1 hour) in accordance with BS4142.

#### **PUBLIC RESPONSES:**

63. The application has been advertised in the press, by site notice and neighbour notification. A further consultation was carried out in 2015 following the submission of additional information, which reduced the number of buildings on site from 3 to 2 and altered the process so that the material would all be taken to an AD plant prior to use, rather than being spread directly to land. The objections received prior to and after the additional information was submitted all raise the same issues.
64. A total of 89 letters of objection have been received. The issues raised relate to impacts upon highways, residential amenity, primarily from odour, noise and landscape, impacts to the water supply, risks to wildlife species and habitats, conflict with users of the bridleway and the overall suitability of the proposed site for the development. A question has also been raised in respect of the need for Environmental Impact Assessment (EIA).
65. Highways has been raised as a key issue by nearly all of the objections with the main issues being the number of vehicles, damage to verges, conflict with other road users and blocking of driveways. Concern is raised that the vehicle movement numbers are not correct and that there would in reality be significantly more than what has been quoted and also that more vehicles would travel through Hutton Magna than the suggested 3%.
66. Odour has been raised as an issue in every objection to the proposal with most being concerned that the lack of odour control on the existing slurry store will be representative of the proposed development. When the existing store was in use residents complained that they were unable to enjoy their gardens or open their windows because of the unpleasant smell. This was also having a detrimental effect on customers at the nearby restaurants. Objectors note that information regarding odour emissions and abatement is incomplete and does not demonstrate the facility is acceptable. Information in the abatement plan suggests that additional infrastructure would be required that is not part of the application.

67. In terms of noise, concern has been raised in relation to the need for electrical generators at the site as there is not currently a power supply. The worry is that these generators would be noisy and would be in operation for 24 hours per day. Objectors have stated that there is a lack of detail in the application regarding this issue. It has also been commented that generators that were in use while works were being done to widen the A66 could be heard in Hutton Magna, despite this being a greater distance away than the application site.
68. Objectors have criticised the proposed appearance of the facility stating that it is too industrial for the proposed location in the proposed countryside location and raise concerns that the combination of the buildings and potential stack for odour abatement would have a significant landscape impact.
69. The impact of the development on wildlife has been raised with many objectors noting the animal and bird species present around the site and also the habitats that are in close proximity. Previous pollution incidents that have killed fish in the water courses, caused by leakage from the existing slurry store have been cited.
70. Many objections have stated that the application appears to be incomplete and does not provide sufficient detail to properly assess the proposal. It has also been stated that there are contradictions in the information provided.
71. Finally, it has been questioned whether the application should have been accompanied by an Environmental Impact Assessment due to the type of development proposed. It has been suggested that the proposal falls within Schedule 5, Paragraph 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an integrated chemical installation.
72. Open Spaces Society and Ramblers – have objected to the proposal due to the likely impact of the proposal on the environment, users of the local rights of way network from visual impact and foul odour and the impact to the local rural road system. Concern is raised in respect of a lack of detail in the application in relation to the construction, dimensions and use of the buildings; nature and source of the waste materials; effectiveness of the odour abatement system and control of possible leakage from the plant.

#### **APPLICANTS STATEMENT:**

73. The NPPF acknowledges that planning plays a key role in '*supporting the delivery of renewable and low carbon energy and associated infrastructure*' and the Government's AD Strategy & Action Plan sets out a clear commitment to increasing energy from waste through AD to support a move towards a '*zero waste*' economy and it is noted that previous Inspectors have been supportive of AD infrastructure in other open countryside locations across the County.
74. The proposed facility will blend a combination of waste streams to create a homogenous feedstock that will provide the optimum environment for micro-organisms to enable a stable gas output and will provide significant operational and efficiency benefits for AD plant operators, by eradicating issues associated with inconsistent feedstock which can impact negatively on gas output, as well as limiting contamination of the feedstock. The application site is ideally located in an area that has a significant amount of arable and grassland, as well as intensive livestock units, which produce materials that can be blended together to create a high quality and consistent feedstock. The proposed facility will handle approximately 70,000 tonnes of material per annum, the majority of which will be in the form of farm crops /



manure. This material will be sourced from our extensive landholdings in the local area and nearby livestock units and the site therefore represents an entirely suitable and sustainable location for the proposed facility. This material will be supplemented by an element of food waste, which would otherwise be directed to landfill and, accordingly, the proposals will drive waste up the waste hierarchy in accordance with national guidance.

75. The application proposals also represent further diversification of our business and will create a number of additional job opportunities for local people. Furthermore, in addition to producing energy, the AD process produces digestate, which is a valuable biofertiliser. The digestate produced will therefore be used on our extensive landholdings as a fertiliser, considerably reducing our reliance on industrially produced forms of fertiliser thereby enhancing the sustainability credentials of the business and reducing costs associated with sourcing man-made fertilisers. The digestate is also virtually odourless and, accordingly, the application of the product to the land as a fertiliser will have a beneficial impact on amenities of local residents through a reduction in odours associated with existing lawful landspreading activities.
76. In summary, the proposed development will provide clear support for the local AD sector through the provision of a homogenous feedstock that will provide significant operational and efficiency benefits for AD plant operators. A high proportion of the value derived from the feedstock will arise from farm crops / waste sourced from AWSM Farms and other local livestock units, which is evidently highly sustainable and would be supplemented by food waste that would otherwise be directed to landfill. The proposals would also represent further diversification of the business and such forms of development are offered clear support within the NPPF. Moreover, a secondary product of the AD operation will be the use of digestate as an odourless fertiliser that will reduce our reliance on man-made fertilisers thereby enhancing the sustainability credentials and reducing overheads of the business. It is therefore evident that the principle of development is acceptable in the context of guidance contained within the adopted Development Plan and national planning guidance.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

77. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: principle of development, residential amenity, landscape impact, ecology, access and traffic, agricultural land, flood risk and drainage and other matters.

### Principle of Development

78. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The Government's 'Waste Strategy for England 2007' set out the Government's objectives to reduce waste and increase recycling of waste and energy recovery. The Waste Review of 2011 sets out the Government's aims for a 'zero waste' economy. The direction of travel set by the Review is a new focus in national policy on the use of materials throughout the economy; the integration of business and household waste; a smaller and different role for central government;

and more focus upon the householder or business and the importance of this agenda – from waste prevention to waste management – for the “green economy”. Waste is considered a valuable resource.

79. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. This is reflected in WLP Policy W2 requiring developments to demonstrate an established need for the facility and to show that they would make a contribution to the County’s sustainable waste strategy and achieve overall environmental benefits, and move waste up the Waste Hierarchy. Furthermore, the Policy seeks to prevent unnecessary importation of waste into the County. Policy W2 is considered to be consistent with the NPPF and can therefore be afforded weight in the decision making process.
80. The proposed development would seek to import up to 70,000 tonnes of farm crops / waste, including agricultural slurry, straw, silage, maize, fodder beat and farm yard manure and food waste from various sources in Durham, Cumbria and Teesside to blend into a feedstock suitable to be used in offsite anaerobic digesters. No information relating to the specific type of food waste has been provided. The digestate produced by the anaerobic digesters would then be brought back to Lane Head Farm to be stored in the proposed development for use as a fertiliser on land within a 15 mile radius of the site. The process as a whole would process and treat waste but the storage and blending at Lane Head Farm would not, in itself, move waste up the Waste Hierarchy and as waste would be imported from unknown sources the development would not necessarily contribute to a sustainable waste management strategy for County Durham. In addition, importing waste that would not be treated or used at the site until after treatment elsewhere is considered to be unnecessary and the proposal therefore conflicts with WLP Policy W2.
81. Paragraph 7 of the NPPW states that the need for new waste development must be demonstrated where the proposal is not consistent with an up to date local plan. Paragraph 7 goes on to state that in such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. As set out above and later in this report, the proposal is considered to conflict with relevant Policies in the WLP and TDLP. The applicant has not provided any evidence to demonstrate that there is a need for the facility in this location and the proposal therefore fails this test. As need has not been established in this case there is no requirement to demonstrate capacity elsewhere.
82. WLP Policy W4 refers to the location of new waste management facilities and criteria to be considered including protection of local amenity, minimising the transportation of waste, integration with other facilities, environmental benefits and the safe and free flow of traffic on the highway network. These criteria are reflected in Appendix B of the NPPW which also includes protection of water quality and resources, land instability, landscape and visual impact, nature conservation, traffic and access, air emissions, odours, noise and light. Those applicable to this development and location are considered in this report. WLP Policy W29 reinforces the need to minimise the transportation of waste.
83. The proposed development would be located in close proximity to the A66 trunk road and being able to access the site from this major road would be a benefit to the development. The application states that waste materials would be sourced from nearby farms and landholdings, as well as food producers from Durham, Cumbria and Teesside. The waste materials would therefore be sourced from a wide variety of locations and the end treatment destination, other than being Anaerobic Digestion (AD) plants in the area, is unknown. It cannot, therefore, be demonstrated that the

development would minimise the transportation of waste and is in conflict with WLP Policy W4. Conversely, the intermediary storage of waste at the proposed site, rather than taking it directly for processing would increase the distance that the material would have to travel.

84. WLP Policy W38 states that proposals for the recovery of waste materials will be permitted provided they can be satisfactorily located at existing waste transfer stations, on land identified for general industrial use, on previously developed land in sustainable locations or as part of an integrated waste management facility. In addition supporting text supporting Policy W38 states that these facilities will normally require industrial style buildings and accommodate a large tipping hall to deposit and load material and accommodate equipment to process the materials. . The proposal would see waste being pumped into tanks within industrial style buildings and there would be adequate space to do this. However, the proposal fails in relation to the locational criteria of the Policy as the site is an isolated green field in the open countryside. No justification has been provided for the proposed location and the proposal therefore conflicts with WLP Policies W4, and W38. WLP Policies W4 and W38 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.
85. WLP Policy W38 also states that provision will be made for new waste transfer facilities in Teesdale and Wear Valley. The purpose of this part of the policy, as explained in the supporting text, was to provide additional capacity for handling municipal waste in these parts of the County. Within Teesdale a waste transfer station for municipal waste was developed at Stainton Grove and is operational. There is no need to provide any further municipal waste capacity within Teesdale through this provision in WLP Policy W38.
86. TDLP Policy ENV1 seeks to restrict the types of development in the countryside to uses including agriculture and farm diversification, forestry, nature conservation, tourism and recreation. The proposal, whilst close to a farm and partly using farm waste, is not agricultural and the industrial nature of the activity places it beyond what would be expected from farm diversification. It is therefore considered that the proposal conflicts with TDLP Policy ENV1. TDLP Policy ENV1 is considered to be partially consistent with the NPPF as the NPPF is more permissive toward development in the countryside.

#### Residential Amenity

87. The proposed development would be isolated from the Lane Head farmstead in the corner of an arable field. The site has existing tree screening to the north and west and partial screening to the east. The field within which the site is located is relatively flat but has hedgerows around the perimeter that afford a degree of screening. The nearest residential properties lie approximately 600m to the south of the site at Rokeby Close, followed by properties close to the A66 Motel approximately 700m away and the village of Hutton Magna is approximately 900m to the north east.
88. The proposed facility would store waste materials in tanks located within the buildings and also a significant amount in 2 open stores adjacent to the buildings. Materials would be brought to and from the site in tankers drawn by either HGVs or tractors.
89. The key issues in terms of residential amenity are noise and odour. These issues were raised in many of the objection letters and are addressed below.

## Noise

90. The proposed facility would not be connected to a mains power source due its remote location and would therefore be powered by an on-site internal generator. Other noise sources from the facility would include equipment for pumping and mixing the waste materials, although the main noise is likely to be tractors and other vehicles travelling to and from the site. Objectors have raised noise as an issue and are particularly concerned that the generator would cause a noise nuisance.
91. Noise from the installation may impact on the surrounding amenity. No noise data has been submitted with the application nevertheless, Environmental Health and Consumer Protection officers have considered the proposal and raised no objections in relation to noise but have requested that a condition be imposed restricting night time (1900 – 0700) noise levels to 0dB LAeq (1 hour) above background (LA90, 1 hour) in accordance with BS4142. This requires noise from the installation to be assessed using BS4142 and ensures a low impact rating based on the given background noise level. Officers also advise that the suggested condition would be sufficient to mitigate against the potential of a statutory nuisance. On this basis it considered that the proposal would not conflict with WLP Policies W3 and W33 and Paragraph 120 of the NPPF in respect of odour impact.

## Odour

92. The proposed development would import farm waste, slurry and food waste, which by its nature is odorous material. The existing outdoor open store at the site has been used for the storage of these materials in the past and has generated complaints and it is the view of objectors that the proposed development, using the existing open store and an additional identical store, would continue to cause nuisance odour. The indoor storage tanks could also produce odour if not properly sealed.
93. An Odour Control Strategy has been submitted in support of the application which concludes that, subject to the implementation of appropriate mitigation measures, the proposed development is very unlikely to cause any statutory odour nuisance or adverse impact upon amenity in accordance with the Council's Technical Advice Notes. The document contains an abatement strategy which proposes the use of a carbon bed and discharge stack. It should be noted that the discharge stack required for odour abatement does not form part of this application and would need to be considered separately, should planning permission be granted.
94. Environmental Health and Consumer Protection officers have considered the submitted details and assessed them against the relevant Council's Technical Advice Note. Officers consider that the submitted details meet with the required thresholds in terms of preventing statutory nuisance subject to a condition being imposed to secure a scheme of odour management measures in accordance with the submitted Odour Control Strategy prior to the commencement of development. Without such controls officers advise that the development would lead to a significant impact.
95. The Environment Agency has advised that a bespoke Environmental Permit for the intended activities would be required. As part of the permit suitable odour control measures would need to be in place as the incoming wastes have the potential to be extremely odorous. Officers consider it likely that the new facility would need to comply with the principles of secondary containment for the treatment and storage facilities in case of a containment failure

96. Although residents have raised concerns regarding the odour potential of the proposed development, it is considered that the applicant has adequately demonstrated that odour from the development could be controlled to a point at which it would not cause statutory nuisance or a significant adverse impact on amenity and Environmental Health and Consumer Protection officers raise no objection subject to condition. The proposal would therefore not conflict with WLP Policies W3 and W33 and Paragraph 120 of the NPPF in respect of odour impact.

#### Landscape and Visual Impact

97. The application site is not within any locally or nationally designated landscapes but is located in the Tees Lowlands landscape character area. The lowlands of the Tees form a broad plain that merges with the gentle dip slope of the Magnesian Limestone escarpment and the low hills of the Pennine fringe in the north. The topography is gently rolling or undulating with low lying 'flats' and 'carrs' and areas of more undulating terrain relating to pockets of fluvio-glacial sands and gravels. Soils are heavy drift-derived surface water gleys, with pockets of brown earths on gravels, and earthy peats in poorly drained carrs.
98. Agricultural land use is mixed but predominantly arable in the area. Field systems are 'sub-regular' in pattern and largely date from the enclosure of open town fields in the 16th and 17th Centuries. They have been heavily fragmented by the amalgamation of arable fields in the 20th century. Hedgerows tend to be cut low and regularly trimmed. Tree cover is generally low with scattered hedgerow trees, principally Ash and Oak, though some areas are rich in trees. In the carrs field boundaries are water-filled ditches, often supplemented by fences.
99. Paragraph 109 sets out key areas for conserving and enhancing the natural environment. This is reflected in WLP Policy W7, which seeks to resist development that would have a significant adverse impact on the character of the landscape and promotes the restoration or enhancement of the landscape where possible. WLP Policy W6 and W36 promote the careful siting and design of new buildings appropriate to the waste process proposed that complement the proposed location and topography with landscape proposals integrated into the scheme. TDLP Policy ENV1 seeks to restrict development in the countryside that would cause harm to the landscape.
100. The proposed development would be located in the north east corner of an arable field. The topography of the immediate area is relatively flat, rising slightly towards the settlement of Hutton Magna to the east and the A66 to the south. Field boundaries are delineated by hedgerows and there is an evergreen plantation to the immediate west of the site, which would offer partial screening. The proposal would comprise of 2 agricultural style buildings and 2 slurry stores bounded by a 2.5m high soil mound that would be planted with trees. The elements of the development that would be visible above the soil mound are the top 4.75m of the 2 buildings as the slurry stores would be obscured from view. The agricultural design of the buildings, although detached from the farmstead, would not be incongruous in the rural landscape. Landscape officers have considered the proposal and do not expect it would have a significant adverse impact on the landscape but note that the conifer plantation may be harvested in the future and the landscape proposals should take this into account. These details can be agreed through condition post-determination, should planning permission be granted.
101. Due to the topography of the area and intervening hedgerows and trees, the only residential properties with a direct view of the site are 600m to the south at Rokeby Close. Whilst concerns from objectors in relation to the appearance of the facility are

understood it is considered that at such a distance, with the proposed screening and the generally agricultural appearance of the buildings that the development would not have a significant visual impact. Landscape officers have raised no objections to the proposal subject to the submission of a landscaping scheme and it is therefore considered that the proposal would accord with WLP Policies W3, W6, W7 and W33, TDLP Policy ENV1 and Part 11 of the NPPF in this respect. WLP Policies W3, W6, W7 and W33 are considered to be consistent with the NPPF and can be afforded weight in the decision making process. TDLP Policy ENV1 is considered to be partially consistent with the NPPF as the NPPF is more permissive toward development in the countryside.

## Ecology

102. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2010 (amended in 2012) (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.
103. Paragraph 109 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 118 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. WLP Policy W17 requires all waste development to incorporate appropriate measures to ensure that any adverse impact on nature conservation is minimised. TDLP Policy ENV16 seeks to resist development that would have a significant detrimental effect on the habitats of rivers and streams or their corridors. WLP Policy W17 and TDLP Policy ENV16 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.
104. The applicant has submitted an extended Phase 1 Habitat Survey in support of the application. The survey considers the site to consist of predominantly poor semi-improved grassland and identifies that there are no statutory or non-statutory designated sites within a 2km radius of the site centre. The survey considers that the area to be developed is of low ecological value but notes that marshy grassland 20m to the north has the potential to support a variety of faunal species, which is at risk of pollution events from construction activities without appropriate mitigation. Species at risk during the construction phase include ground nesting birds, grass snakes, otter and water voles. The survey recommends that site clearance works are to be carried out at a time to avoid the main bird nesting season, or employ an ecologist to check the site prior to works commencing; the grassland should be maintained to a height of less than 15cm to encourage grass snakes to disperse into more suitable habitats; maintain 5m buffers from offsite ditches to protect water vole and; ensure any construction trenches left open overnight have ramps to allow otter to escape.
105. Ecology officers initially raised concerns that the development has the potential to impact upon protected species including Great Crested Newt as well as the identified water vole and breeding birds. Further surveys were requested to address these

issues. An eDNA test for Great Crested Newts was carried out in the waterbodies close to the site and this returned a negative result. Surveys for watervole and breeding birds were not carried out as the applicant stated that they would be done pre-commencement and would accept a condition to this effect. Ecology officers remain concerned that the facility could lead to pollution into the waterbodies abutting the site, which may lead to potentially damaging effects to protected species downstream. However, it must be assumed that the development would be carried out correctly and that future pollution incidents would not occur and a cautionary approach should not be adopted.

106. It is considered that although no biodiversity enhancement is offered, the proposal would not result in the loss of valuable habitat or protected species. The proposal would therefore not conflict with WLP Policy W17, TDLP ENV16 and Part 11 of the NPPF.

#### Access and Traffic

107. Paragraph 32 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Locational Criteria in NPPW Appendix B include traffic and access considerations: 'Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports'. WLP Policy W29 seeks to ensure that measures are incorporated into developments to minimise the transportation of waste and Policy W31 requires proposals to demonstrate that traffic generated by the development can be safely and conveniently accommodated on the highway network without causing detrimental impact to local amenity. WLP Policy W32 sets out means of mitigation that should be secured to ensure that development does not result in harm to the highway network.
108. The proposed development would be accessed via an existing farm track connecting to the C171 Road known as Lanehead Lane. This is unmarked single track road for much of its length up to the junction with the A66 to the west and to Lanehead Farm to the east where it widens into 2 lanes. There are 2 signed passing places on the single track section of the road. The site would accept up to 70,000 tonnes of material per annum. All material to be processed at the site would need to be imported and exported via the C171 Road and access track. Material would be imported and exported using 26 tonne capacity HGV's.
109. The proposal would generate approximately 20 vehicle movements per day (10 in and 10 out), not including tractors collecting digestate to spread to land, however, as there would be only 3000 tonnes of digestate brought to the site per annum it is expected that movements from spreading operations would be relatively low. The vehicle movements from both HGV's and tractors could be controlled by condition.
110. Concerns relating to the highways have been a common theme amongst objections to the proposal. The main issue is the number of vehicles that would be accessing site but issues are also raised in relation to the size of the vehicles and the speed at which they travel, the damage that is being done to verges and blocking of driveways.
111. The Highway Authority has assessed the proposals and considers that the proposed access arrangements and vehicle movements would be acceptable subject to

conditions. Improvements to the road by adding two additional passing places should reduce the impact of additional vehicle movements and limit the need to overrun verges. The size of vehicles is a consequence of modern farming practice that can't be controlled by planning and the way in which the vehicles are driven is for the Highway Authorities and Police to regulate. It is therefore considered that the proposal would accord with WLP Policies W29, W31 and W32 and Part 4 of the NPPF. WLP Policies W29 and W31 are considered to be consistent with the NPPF and although W32 is only partially consistent, as it does not fully reflect Section 122 of The Community Infrastructure Levy Regulations 2010, there is no conflict in relation to these proposals and therefore can be afforded weight in the decision making process.

### Access and Rights of Way

112. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. WLP Policy W24 requires proposals to demonstrate that there would not be a significant impact upon the recreational value of the countryside, including the local path network. WLP Policy W24 is considered to be consistent with the NPPF and can be given weight in the decision making process.
113. The proposed development would be accessed via an existing farm track from Lanehead Lane that is shared with Bridleway No.3 (Hutton Magna Parish), which continues past the application site and joins with Bridleway No.13 (Wycliffe and Thorpe Parish) further to the north. Footpath No's.1 and 2 (Hutton Magna Parish) dissect the farm track approximately 180m to the north of Lanehead Lane. The proposal seeks to realign Bridleway No.3 immediately to the west of the farm track to avoid conflict between bridleway users and vehicles accessing the site. Access and Rights of Way officers raise no objections to the proposal but note that the existing bridleway would be directly affected and would need to be diverted, as proposed and this would be required through a planning obligation secured under Section 106 of the Town and Country Planning Act 1990.
114. Whilst diverting and realigning the bridleway to the immediate west of its current position would alleviate the physical impact and prevent direct conflict, it would not fully address the potential harm to users. Many of the objections to the proposal raise concerns in relation to the impact on users of the bridleway, including horses being frightened by heavy vehicles, and the odour emanating from the facility. Given the nature of the proposal odour is likely to be generated, however, the applicant has demonstrated to the satisfaction of Environmental Health and Consumer Protection officers that odour from the site can be adequately controlled.
115. There would be an impact upon users of the public rights of way network due to a footpath diversion and a greater volume of traffic using the adjacent track however this would be for a short section of the rights of way network and it is not considered that this would be an unacceptable adverse impact sufficient to justify refusal of the application. Access and Rights of Way officers do not object to the proposed development. It is therefore considered that the proposal would not conflict with WLP Policy W24 and Part 8 of the NPPF.

### Agricultural Land

116. Paragraph 112 of the NPPF seeks to protect best and most versatile land, prioritising the use of lower quality land where it has been demonstrated that development of agricultural land is necessary. WLP Policy W38 sets a higher test, requiring waste development to be located on industrial land or previously developed land and, more



importantly, WLP Policy W25 seeks to strongly resist any proposals that would impact on or lead to the loss of best and most versatile agricultural land. WLP Policies W25 and W38 are considered to be consistent with the NPPF and can be given weight in the decision making process.

117. The proposed development would be located on a greenfield site on the northern edge of 2 fields separated by a farm track, which is also a Bridleway. The area of land to be developed amounts to just over 1ha. The site has not been in use for agriculture for approximately 6 years as it has been partially occupied by a slurry store and ad hoc storage of solid waste. The site and land around it, amounting to approximately 26 hectares, has been assessed by Natural England as being Grade 3A 'best and most versatile' agricultural land.
118. Whilst the applicant has not demonstrated that there is an overriding need to locate the proposed development on best and most versatile land the overall loss is relatively small in the context of the surrounding land. It is therefore considered that although the proposal does not accord with WLP Policies W25 and W38 and Paragraph 112 of the NPPF the conflict is not sufficient to justify refusal of the planning application.

#### Flood Risk and Drainage

119. The application site is located within Flood Zone 1 and as the development covers an area of more than 1ha a Flood Risk Assessment (FRA) has been submitted in support of the application. There are numerous small watercourses in the vicinity of the site with the nearest being immediately adjacent to the northern boundary of the site. The FRA concludes that the proposal would not have a significant impact upon flooding in the area in accordance with WLP Policy W26 and Part 10 of the NPPF. The Environment Agency and Northumbrian Water have raised no objections to the proposal. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.

#### Other Matters

120. There are several listed buildings within 1.5km of the site, however, the nearest is at a distance of 550m and none of which would suffer any harm from the proposed development. It is therefore considered that the proposal would not conflict with WLP Policy W18 or Part 12 of the NPPF. WLP Policy W18 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
121. It has been questioned whether the application should have been accompanied by an Environmental Impact Assessment due to the type of development proposed. It has been suggested that the proposal falls within Schedule 5, Paragraph 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an integrated chemical installation. This category covers installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another. The application was screened for Environmental Impact Assessment (EIA) when it was received. The screening opinion found that the development fell within Schedule 2, Part 11(b) of the Regulations as an installation for the disposal of waste and although the threshold for site area (more than 0.5 hectare) was exceeded it was considered that on balance EIA was not necessary.

---

## **CONCLUSION**

122. Planning policy is generally supportive towards sustainable waste management initiatives and seeks to locate waste management facilities on land identified for general industrial use or on previously developed land in sustainable locations. The proposed facility would be located on an isolated greenfield site in the open countryside and therefore fails to meet locational criteria for new waste development.
123. The proposed waste blending facility is intended to provide an intermediary storage and processing centre between waste sources from Durham, Cumbria and Teesside and anaerobic digestion plants. No justification is provided for why the facility is needed in this location and it is considered that the proposal would result in unnecessary importation of waste into the County.
124. The proposals have generated significant public interest with objections reflecting the issues and concerns of local residents affected by the proposed development. Careful consideration was given to the concerns raised throughout the consideration process and these have been taken into account and addressed in detail within the body of the report. Whilst impacts such as visual intrusion, highway safety, odour and noise could be adequately mitigated with appropriate planning conditions, the principle of the development in terms of need and location is contrary to the development plan.
125. The proposals are considered to conflict with the relevant key policies of the County Durham Waste Local Plan and national planning guidance contained within NPPW and relevant sections of the NPPF.

---

## **RECOMMENDATION**

---

That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed development does not fulfil and established need and would result in unnecessary importation of waste into County Durham in conflict with County Durham Waste Local Plan Policy W2 and Paragraph 7 of the National Planning Policy for Waste.
2. The proposed development would constitute inappropriate development in the countryside in conflict with the locational criteria set out in the County Durham Waste Local Plan Policies W4 and W38, Teesdale Local Plan Policy ENV1.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

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

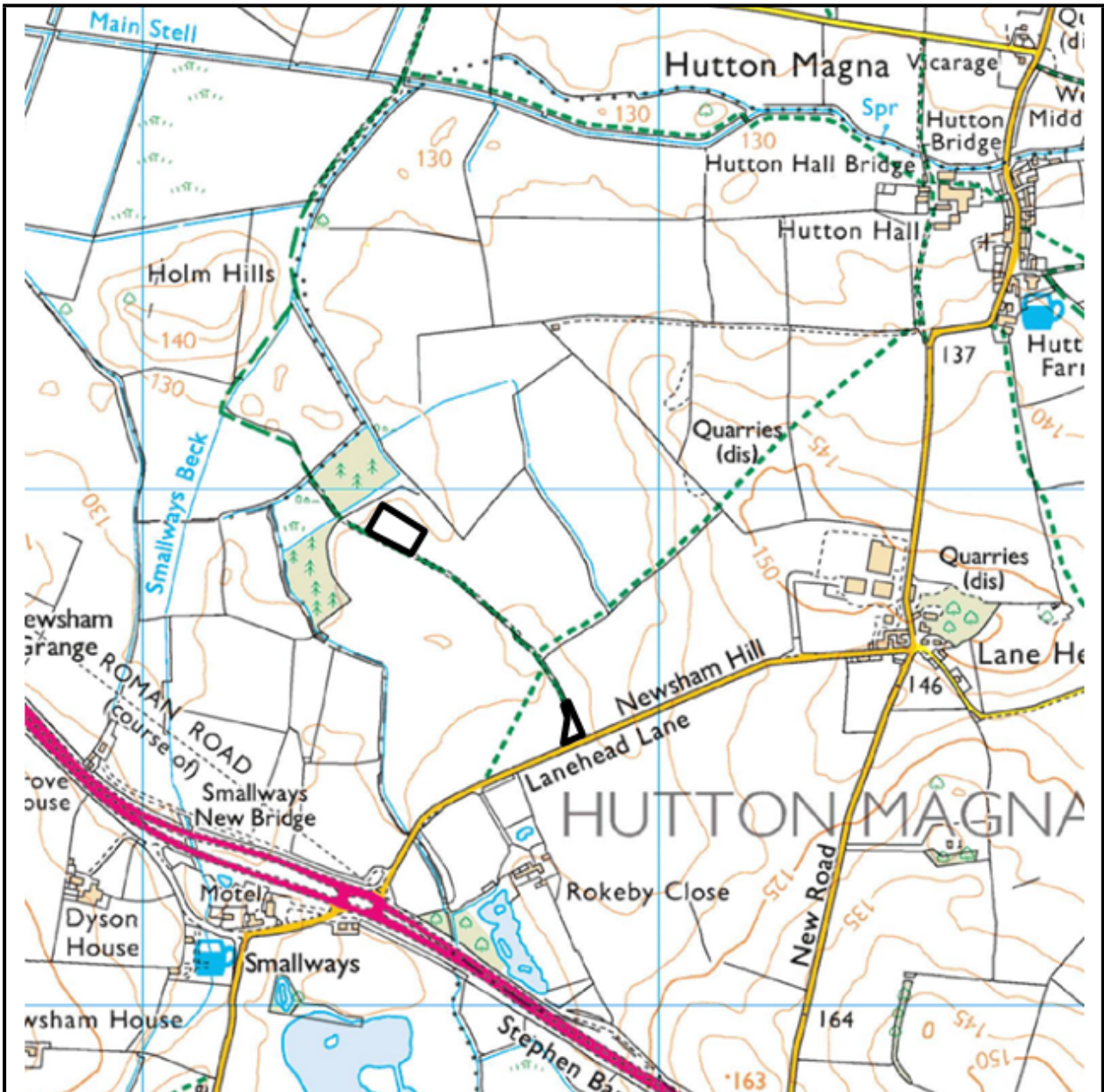
---

## **BACKGROUND PAPERS**

---

- Submitted application forms, plans supporting documents and subsequent information provided by the applicant.
- The National Planning policy Framework (2012)

- National Planning Policy for Waste (2014)
- County Durham Waste Local Plan (2005)
- Statutory, internal and public consultation responses



**Planning Services**

CMA/6/54

Proposed erection of 3 buildings, 1 storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory/office to create fertiliser for agricultural use with associated access and hardstanding at Land To West Of Lane Head Farm Lanehead Lane Hutton Magna Richmond

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date** June 2017

**Scale** Not to scale

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

**APPLICATION No:** DM/16/04067/OUT

**FULL APPLICATION DESCRIPTION:** Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.

**NAME OF APPLICANT:** The Banks Group Limited

**ADDRESS:** Land To The North Of Mount Oswald  
South Road  
Durham  
DH1 3TQ

**ELECTORAL DIVISION:** Neville's Cross

**CASE OFFICER:** Colin Harding, Senior Planning Officer  
03000 263945 [colin.harding@durham.gov.uk](mailto:colin.harding@durham.gov.uk)

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application relates to the former Mount Oswald Golf Course lies close to the southern edge of Durham City. Roughly triangular in shape, the site is bordered by residential and University development to the north, and further residential development to the south. The A177 (South Road) runs along the eastern site boundary, with the Howlands Farm Durham University campus and Howlands Park and Ride car park, Durham Crematorium, and Durham High School beyond. The A167 runs along the western boundary, with open countryside beyond.
2. The particular site for this development is located in the north eastern corner of Mount Oswald. It is situated to the east of Phase 2 of the housing development and to the west of the previously approved site for the 1000 bedroom purpose built student accommodation. The site is surrounded by university accommodation and buildings, residential blocks and housing. Residential properties exist to the north west of the site and a footpath/cycleway runs adjacent to the northern site boundary. The site slopes up slightly in level from the southern boundary, dropping off in the north eastern corner. There are a small number of existing trees.

## The Proposal

3. Planning permission is sought for the development of an 850 bedroom purpose built student accommodation, in addition to the 1000 bedrooms already approved on the site immediately to the east. The development would include a mix of two, three, and four storey blocks with a gross internal area of approximately 30,000 square metres. Although the application is currently only in outline form, indicative details have been submitted that suggest that the designs of the blocks would range from town houses to apartment blocks, with en-suite, studios and accessible bedrooms. The units would likely be arranged in clusters, with each cluster having its own kitchen/lounge/dining room. Other facilities, such as office space, common rooms, laundrette and car parking, are also proposed.
4. The submitted details suggest that the layout would have a hierarchy of access, movement and spatial definition, and include key nodes to the east of the site to announce arrival and connection points. These nodes would be connected by pedestrian boulevards, connecting the development to the proposed student accommodation to the east and the north into the University campus. It is also suggested that building blocks would be centred on a green courtyard and garden spaces with pedestrian priority routes. It is proposed that the density of the accommodation decreases from east to west, and separation between residential areas to the west and the development would be achieved by means of landscaped areas.
5. The development would be accessed by new adopted highways, which would connect onto the A177, served by a planned local bus route, with bus stops being positioned along the new access road. Existing and planned bridleways, cycleways and public footpaths would link the surrounding development plots to the residential areas and university college sites to the north, and to woodland areas to the south.

---

## **PLANNING HISTORY**

---

6. CMA/4/83 Outline planning application with access details (all other matters reserved) for a mixed use development comprising 291 dwellings, to include specialist market housing for the elderly, student accommodation, office, retail, community uses and associated approved in 2013.
7. CE/13/01396/RM Reserved matters relating to appearance, landscaping, layout and scale of the erection of 60 dwellings pursuant to Phase 1 of outline permission CMA/4/83 approved in June 2014.
8. DM/14/01268/RM Reserved matters application in regard to northern access road pursuant to planning permission CMA/4/83 approved in September 2014.
9. DM/14/03391/RM Reserved matters application pursuant to outline planning permission CMA/4/83 in respect of internal western shared access road and associated earthworks and drainage approved in December 2014.
10. DM/15/01009/RM Electrical distribution substation and GRP gas kiosk approved in May 2015.
11. DM/15/02268/NMA Non material amendment pursuant to drawing PAD7A as part of Reserved Matter application DM/14/03391/RM approved in August 2015.

12. DM/15/03555/VOC Variation of condition 3 (approved drawings) pursuant to planning permission CMA/4/83 in regard to a revised masterplan that includes landsape and drainage modifications approved in May 2016.
13. DM/15/03734/VOC variation of condition 1 pursuant to DM/15/03555/VOC in relation to Phase 1 of the development, comprising alterations to hard and soft landscaping, layout, and substitution of housetypes on plots 18, 19, 21 and 39 (amended description) approved in August 2016.
14. DM/15/03820/RM Application for reserved matters relating to appearance, landscaping, layout and scale for 105 dwellings (Phase 2) pursuant to planning permission CMA/4/83 approved in June 2016.
15. DM/17/00453/RM Reserved matters application in relation to linear park feature pursuant to application DM/15/03734/VOC approved February 2017.
16. DM/16/03490/NMA Non material amendment to Conditions 1 and 2 of DM/15/03820/RM to allow use of alternative of roof tile and boundary treatments and to allow occupation prior to implementation of Linear Park approved in January 2017
17. DM/16/04087/FPA Installation of temporary construction access road approved in February 2017. DM/17/00415/FPA Construction of Central Access Road approved in April 2017.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

18. 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’.
19. 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.
20. *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.
21. *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.

22. *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.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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>

28. 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.



## LOCAL PLAN POLICY:

### City of Durham Local Plan (2004) (CDLP)

29. *Policy E5 Protecting Open Spaces within Durham City.* (Part 2 of the Policy) seeks to protect open spaces which form a vital part of the character and setting of Durham City by only permitting development in the Mount Oswald – Elvet Hill parkland landscape area which does not exceed the height of surrounding trees and is sympathetic to its landscape setting, and is of low density, setting aside most of the site for landscaping and open space.
30. *Policy E5A - Open Spaces within Settlement Boundaries.* Protects the important functional, visual or environmental attributes that contribute to a settlement's character.
31. *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.
32. *Policy E15 - Safeguarding woodlands, trees and hedgerows.* Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
33. *Policy E16 - Protection and Promotion of Nature Conservation.* Seeks to protect and enhance the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
34. *Policy E21 - Conservation and Enhancement of the Historic Environment.* Requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
35. *Policy E23 - Listed Buildings.* Seeks to safeguard listed buildings and their settings.
36. *Policy E24 - Ancient Monuments and Archaeological Remains.* Sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
37. *Policy H16 - Residential Institutions and Student Halls of Residence.* Provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

38. *Policy EMP3 - Mount Oswald.* Permits the development of a prestigious office/research centre project of a strategic significance at Mount Oswald provided that the parkland and landscape quality of the site is not compromised. Only employment uses relating to Class B1 of the Use Classes Order will be permitted on this site.
39. *Policy T1 - Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
40. *Policy T5 – Public Transport* states that the council will encourage improvements to assist public transport services within the district by a variety of measures including traffic management systems, provision of park and ride scheme, provision of suitable facilities for users of public transport, and ensuring new developments can be conveniently and efficiently served by public transport.
41. *Policy T10 - Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
42. *Policy T19 - Cycle Routes.* Seeks to ensure the development of a safe, attractive and convenient network of cycle routes throughout the district.
43. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
44. *Policy T21 - Safeguarding the Needs of Walkers.* States that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
45. *Policy R1 - Provision of Open Space* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
46. *Policy R2 - Recreational and Amenity Space in the New Residential Developments* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
47. *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.
48. *Policy Q5 - Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

49. *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.
50. *Policy Q15 - Art in Design.* States that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
51. *Policy U7 - Pollution Prevention – Development Sensitive to Pollution.* States that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
52. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
53. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

54. 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.
55. The Council have in place an Interim Policy on Student Accommodation. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built student accommodation (PBSA). Part B of the Interim Policy states that new PBSA's should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. Part B further states that proposals for PBSA development will not be permitted unless the development is readily accessible to an existing university or college; the design and layout would be appropriate in relation to neighbouring uses; the internal design, layout and standard of accommodation is of appropriate standard; the impacts from occupants of the development will not have unacceptable impact upon the amenity of surrounding residents; the quantity of cycle and car parking is in line with Council Parking and Accessibility Guidelines; and the applicant has shown that the security of the building is considered.

56. Although Durham City Neighbourhood Planning Forum has been established, and a Neighbourhood Area defined, which includes the application site, no draft Neighbourhood Plan has yet been published.

*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)*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

57. *Highways Authority* – No objections are raised subject to conditions and the securing of a financial contribution to increase capacity on the Park and Ride scheme. Previously raised concerns with regards to the impact of the development upon pedestrian infrastructure, and the Park and Ride have been addressed through the application process.
58. *Northumbrian Water* – Raise no objection but considers that the application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved prior to the development commencing.
59. *Drainage and Coastal Protection* – Raise no objections to the proposal on the understanding that the recommendations included within the submitted surface water drainage strategy and flood risk assessment are implemented.

### **INTERNAL CONSULTEE RESPONSES:**

60. *Archaeology* – No objections are raised. Officers note that the archaeological issues regarding this site were explored under the previous outline application (CMA/4/83) and were adequately investigated via field survey and evaluation. This work only identified that Manor House and Walled Garden needed further mitigation. There are no objections to the changes suggested in this application as they do not alter the advice previously given.
61. *Design and Conservation* – No objections are raised. The application has given consideration to protect local amenity by ensuring adequate separation distance between student accommodation and residential development and proposing western edge of site is at maximum 2 storeys high. Although there is some assessment on Heritage impact, such as Mount Oswald House, this has not been evidenced. As a result it is recommended that the scale of the development in the form of student numbers and building heights is controlled by planning conditions.
62. *Landscape* – Raise no objections. It is considered that the proposals would be unlikely to give rise to any significant landscape and visual effects over and above those considered when outline permission was granted. Although the application is in outline with all matters reserved, positive observations are made on the indicative masterplan, layout and landscaping plan as well as identifying areas for further consideration at the reserved matters stage. It is noted that a TPO tree within the

site clearly has some value to the site as a mature feature and should be retained unless this would compromise an important element of the final design.

63. *Landscape (Arboriculture)* – Raise no objections concurring with the views of Landscape officers.
64. *Ecology* – No objections to the application are raised. Officers confirm that the submitted ecological assessment is sufficient to inform the application and they have no concerns with the proposal. It is noted that the SUDS pond adjacent the proposed student accommodation blocks provides an opportunity to increase the biodiversity value of the site and it is requested that the ecological consultants are engaged to advise on the design and subsequent management.
65. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections agreeing with the submitted environmental ground investigation interpretative report although it is noted that it was incomplete in so far as gas monitoring. It is therefore recommended that a condition be applied requiring a scheme to deal with contamination to be submitted and approved prior to commencement of the development.
66. *Environment, Health and Consumer Protection (Noise, Dust and Light)* – No objections are raised subject to the imposition of conditions. In terms of noise, officers consider that there was insufficient information submitted for full consideration against thresholds stated in the Council's Technical Advice Note. The application includes the construction of new student accommodation in an area where there are existing and proposed residential and commercial uses, in order to ensure that the accommodation is suitably designed to ensure that the recommended internal noise levels are met (in line with BS8233:2014) a condition is recommended requiring a noise assessment to be undertaken within the area of the development in order to ascertain the required noise mitigation measures for the development. With regard to light it is noted that the development is within a larger development that includes housing, commercial premises and retail uses, it is therefore recommended that a condition is attached to any approval granted to request a lighting impact assessment to ensure that light from the varying uses on the land does not impact on the future residents of the development. In addition it is recommended that conditions are attached to any approval granted requiring controls on noise, vibration and dust during the construction phases. Officers are of the opinion that there are several aspects of the development that if not appropriately controlled may potentially result in a statutory nuisance, as defined by the Environmental Protection Act 1990, being created.
67. *Environment, Health and Consumer Protection (Air Quality)* – Officers identify that the proposed development may have impacts on air quality during both the construction and operational phases. Through condition the submission of a dust action plan is requested. Should construction work extend beyond a 12 month period then a qualitative assessment of the impact of emissions of 'nuisance' dust and air quality pollutants should be undertaken. During the operational phase it is requested that the proposed development be undertaken in accordance with the university Travel Plan and this should be included as a condition. It is confirmed that an assessment of the impact on air quality is not required in this case.

#### **NON-STATUTORY CONSULTEE RESPONSES:**

68. *Police Architectural Liaison Officer* – Concerns are expressed over the management plan of crime risk assessment. The main crime risk will be theft of unattended bicycles. Therefore, cycle storage should be covered, well-lit and situated near

building entrances. Licensing is needed for the convenient store because it could become monopolised for the sale of alcohol. Operating hours for a hot food takeaway should be limited to operating hours to 11pm. The application does not have an assessment of the ability of pavements and footpaths to cope with more pedestrians, currently, sections of footpath on South Road are too narrow for the current pedestrian traffic. It is considered that diverting the footfall from the new accommodation along Mill Hill Lane into Van Mildert College could help alleviate the problem however this raises the issue of the street lighting on the Lane which should be reviewed as should the lighting on South Road.

#### **PUBLIC RESPONSES:**

69. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 7 representations have been received, 4 objections, 2 offering comments and 1 support.

#### *Objection*

70. Objections are raised on the basis that the planning application is misleading and unclear on whether it is related to the already approved 1000 student bedrooms. Suspicions are raised as to whether the applicant is applying for the extra 850 bedrooms now to increase approval chances because if it had applied for 1850 in the beginning, it would not have been approved. Concerns are raised on the increased pressure to Park & Ride and South Road traffic. Concerns are raised regarding the maintenance of the green space at Mount Oswald and the fairness on the people that have already bought houses at the Mount Oswald site, and it is suggested that an area identified as to be planned later be designed for community use, such as extra green space, parking lots, gyms etc.
71. The development does not fit the Council's own Interim Policy on Student Accommodation. No need has been evidenced. The proposal is too dense (850 compared to 125 person spaces) compared to what was in the outline permission. The application is incomplete, hiding significant additional requirements within a nebulous future "reserved matters" application. Concerns are raised that there is likely to be a 'need' for a bar and drinks licence. This development is not necessary according to the figures included in this application. There is no support from the University. The figures for distance to amenities are plain wrong, and farther than stated. There are other factual errors and mis-statements in the application. The single protected tree on the site is under threat from this development. The additional foot or cycle journeys are dangerous on the poor paths around the site and narrow pavements to University premises.
72. It is argued that since Banks wants to replace the 25 houses, as proposed in the masterplan, with 850 rooms, this is a significant increase in density. It is also claimed that the need for more student accommodation has not been demonstrated, since there are already many approved applications for student accommodation developments. Concerns are expressed over noise and disturbance from the on-site bar, the management of the accommodation if it will not be a college, and student parking spaces. Concerns are also raised about the ability of existing footpath and cycle routes to handle additional students. Furthermore, the applicant is unclear about the additional facilities that they may build on the student accommodation development. If it becomes a college, it will need staff accommodation, common rooms, bar, etc. These should be considered now. Objection is raised to argue that the economic benefits would be the same if residential housing was built. Objection is raised to claim that the site is not within easy walking distance and not as far from the Heritage site as the application states. Concerns are raised over the applicant's

interest in the local community, as the applicant has not yet improved the existing footpath. It is also suggested that potential impacts upon trees, land and drainage need consideration.

73. Concerns are expressed about the loss of privacy, traffic generation, noise and disturbance, density of building, and design, appearance and materials. It is considered that increase in the possible total student population would quite significantly alter the balance between private residential and communal student accommodation and that the assessed additional (private) housing need which supposedly underpinned the main development was exaggerated and that it is possible that private housing stock in the higher density housing still to be complete is likely to be a target for HMO usage like with other developments such as Sheraton Park. It is considered that this would lead to unacceptably high level of congestion in areas still being developed which would generate a significant loss of privacy to private households. Concerns are raised regarding traffic generation and pedestrian flows along narrow footpaths. It is also claimed there is little commitment to consider needs and interests of the local community, but willingness to accommodate other stakeholders, like the University.
74. Concerns are made about the about height of accommodation blocks: some blocks are four storeys high which does not match nearby buildings which are only two storeys high and are totally out of character. Questions whether the applicant has consulted with the university and the need for additional student beds. It is noted that the number of people in this development is considerably greater than what Banks had originally received permission for, making a major change to character of locality. Concerns are raised regarding noise and disturbance to residential properties (with specific mention made to Merryoaks) given the proposed number of students and also possibility of a future proposal for a bar. The lack of parking spaces for students is raised as a concern and despite the University having a student parking policy there is concern that that this only covers University premises and students would park in the nearby residential areas of Mount Oswald and Merryoaks.
75. *The City of Durham Trust* – raise a number of concerns noting that it would be inconsistent to object to the application given the student accommodation element was the only part of the original application which the Trustees could see justification. It is noted that the original masterplan included a site for c.1000 bed student accommodation the current application state approximately 850 but it is noted that an adjacent site has been identified in the University's Development Strategy. It is considered that the present PBSA will need to be re-visited as twice the number of students would be involved and there is need for close liaison between the developer and the University. Queries are raised in relation to the submitted transport information and connectivity and highlights current issues of narrow pavements at South Road and Church Street. Comments are made regarding the layout and design of the PBSA considering that it is rectilinear in shape which encourages a similar road pattern which would make it more difficult to achieve a focal point and togetherness. It is noted that the internal layout is a reserved matter, but in effect this could mean a carte blanche.
76. *Campaign to Protect Rural England (CPRE)* – Objects to the proposal. CPRE supports the representations of City of Durham Trust. Reference is made to paragraph 18 of the Interim Policy on Student Accommodation and accept that Mount Oswald has a mixed permission for residential and student accommodation, however, the original masterplan shows this site as housing and a park. CPRE agrees with the Interim Policy considering that student accommodation should not

replace the need for housing and so put greater pressure on the Green Belt and greenfield sites surrounding Durham City.

### *Support*

77. *Durham University* - supports the application. It is noted that its Estates Masterplan (2017 – 2027) sets out how it intends to develop its facilities and accommodation alongside its strategy for growth, while always fully respecting the needs and interests of its host communities in Durham City. The current application sits among existing University colleges and facilities and adjacent to University-owned land with outline consent for student accommodation. It therefore considers it to be a sustainable location in accordance with the NPPF and local policy. It is considered that the site relates well to land within the Durham University Estate and is located close to other colleges, business school and academic student support facilities at Upper and Lower Mountjoy. The development will also benefit from proposed infrastructure improvements along South Road intended to improve connectivity and movement around the city for all. The impact on local communities that a development of this scale and nature that this scale of development is acknowledged but the University considers that the existing residential dwellings located to the north west of the site and the further houses planned as part of Mount Oswald Masterplan are sufficiently well screened that the development is unlikely to have a detrimental effect on residential amenity. It is noted that amongst the student body there is a clear demand for greater choice of good quality accommodation and the outline proposals and the facilities that would be offered would contribute to this demand and would require careful consideration at a future reserved matters stage and this would extend to matters related to internal and external design and layout, landscaping, parking and management of the facility.

### **APPLICANTS STATEMENT:**

78. Mount Oswald is located to the south of Durham City, adjacent to the University campus buildings to the east and existing residential development to the north. This area of the city is a popular and sustainable location, with good transport links and access to areas for recreation, retail and community facilities. It has excellent connections to Durham City Centre.
79. The Banks Group considers that the proposed student residential development is therefore in a sustainable and attractive location. It is also located adjacent to the existing University campus.
80. As detailed within the Planning Statement and the letter of support from Durham University, there is an identified need for further purpose built, high quality student residential development at Mount Oswald. The University's Estate Strategy (2017-2027) projects overall growth in the number of students who will require College accommodation. The proposed development will be collegiate in style, effectively forming an extension to the existing campus. It will provide a mix of accommodation types, including town houses and flats, in an attractive, safe, accessible and welcoming setting.
81. As discussed within the Planning Statement, the development is considered to be in accordance with both the interim planning policy for student residential development and other relevant national and local policies. Additionally, The Banks Group have worked proactively with the Council throughout the development process, to ensure that the proposals are acceptable from a landscape, heritage, highways, flood risk and ecological and point of view.



82. The application proposals are for a different student accommodation product to the types being proposed around the city centre. Most importantly, the proposals present a logical opportunity to enlarge the campus in this location, as the development is capable of being incorporated within the existing University Campus as a sustainable addition to the existing development.

*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>

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

83. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development; impact upon residential amenity, character and appearance, highway safety and access, flood risk and drainage, ecology, heritage impacts and other matters.

### The Principle of the Development

#### *The Development Plan*

84. 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 local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

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

85. CDLP Policy H16 relates to student halls of residence and forms of residential institutions. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of CDLP Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents. CDLP Policy H16 is considered to consistent with NPPF, and can continue to be afforded significant weight.
86. Policy C3 of the local plan relates to development by the University of Durham, the University is not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application. The proposal is not considered contrary to Policy H16 on sustainability grounds as the site is well located in terms of local services and within easy walking distance of bus routes, and University buildings. Impact on amenity and character/appearance of the area are considered later in this report.
87. CDLP Policy EMP3 allocates the Mount Oswald site for the development of a prestigious office/research centre of strategic significance, and states that only B1 use classes will be permitted. This policy dates to 2004, and is now some 13 years

old. Since this time planning permission has been granted for residential development on the site, Phase 2 of which is currently under construction. The permission also contains elements of student accommodation.

88. As a result, it is considered that Policy EMP3 is not a wholly up-to-date policy, as events have surpassed the allocation. As a consequence, it is considered that very little weight can continue to be afforded to the policy, and that it should not stand as a barrier, in principle, to the student accommodation use that is proposed as part of this application.
89. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built student accommodation (PBSA). The proposal is for PBSA and therefore needs to be assessed against the criteria in this policy. Part B of the Interim Policy states that new PBSA should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider.
90. The planning statement submitted with the application provides information in relation to the need for additional student accommodation which refers to the Durham University Estate Strategy 2011-2020. This document identified future growth of student numbers amounting to 2000 additional students by 2020. A revised University Strategy (2017 – 2027) projects further additional growth in student numbers, amounting to a further 6,000 students within the strategy period. This growth is attributed to increases in both undergraduate and postgraduate students, as well the relocation of around 1,700 students from the Stockton Campus.
91. The application identifies that since 2012, around 3,000 student bedrooms have been granted planning permission, in the form of PBSA, and have not yet been implemented. Separately, around 1,200 student bedrooms have been implemented and are available for use. This results in a supply of around 4,200 student bedrooms in the form of PBSA within Durham City, working on the assumption that all approved bedrooms will be implemented. Measured against the University's latest growth figures, this results in an undersupply of around 1,800 bedrooms, and having regards to the requirements of the Interim Policy on Student Accommodation, it is considered that the requirement to demonstrate need has been met.
92. The application site is currently undeveloped, and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. The Mount Oswald site more generally has an informal leisure use, and the approved masterplan for the redevelopment of the overall park takes account of this, and would not be jeopardised by this proposal. Impacts on surrounding residential uses are discussed elsewhere in this report.
93. Durham University has been consulted with regards to these proposals, and have indicated support for them, noting that the site lies adjacent to Durham University owned land which benefits from outline planning permission for student accommodation. The University also recognises that the application site is well related to land with the Durham University Estate, including the "Hill Colleges", Durham University Business School, and Upper and Lower Mountjoy.
94. Overall therefore, the development is considered to be acceptable in principle, subject to the development being in accordance with the character and appearance requirements of CDLP Policy H16, and the amenity requirements of the Interim Student Policy.

## Impact upon Residential Amenity

95. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through the concentration of students but also with regards to specific relationships with the closest properties.
96. CDLP Policy H16 states that student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by CDLP Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them. CDLP Policy H13 is considered to be consistent with NPPF, and can continue to be afforded significant weight in the decision making process. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and Paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The Interim Policy also states that proposals for PBSA should not be permitted unless the impacts from occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration.
97. The closest currently occupied residential properties to the application site are those located at the south eastern corner of Dickens Wynd. The closest of these properties is located approximately 40m from the north-western corner of the application site. Properties on Dickens Wynd would be located beyond the existing shared path that runs along the northern edge of the Mount Oswald site, and there is existing intervening vegetation in the form of trees and hedgerows.
98. Additionally, it is reasonable to expect that the majority of students would be entering and leaving the site from either a north-eastern direction, via Mill Hill Lane, or to the south, towards South Road. It is likely that there would be some increase in the use of the shared used path, heading westwards towards the A167, between Mt Oswald and Dickens Wynd, however the relative lack of obvious destinations from this route, suggests that movements to and from the site from this direction would be lesser. As a result, impacts upon residential amenity as a result of student activity from outside of the site are likely to be lesser.
99. The proposed development would have a closer relationship with housing currently under construction as part of Phase 2 of the Mount Oswald housing development, where in some cases, residential properties would be as close as 15m to the application site boundary. However, subject to appropriate design and layout, it is probable that an acceptable scheme of development could be accommodated within the site, that would not give rise to an unreasonably low levels of residential amenity being experienced at those residential properties closest to the site.
100. Notwithstanding this, it is more than possible that student accommodation and residential development can co-exist in relatively close proximity, and that the presence of one should not necessarily preclude the other. With details of layout not being a matter for consideration at this time, and having regards to the size of the application site, it is considered that it would be possible to arrive at detailed scheme of development that would ensure that matters of residential amenity are suitably addressed through the design process.

101. Some objectors have highlighted that many PBSA developments and Durham University colleges incorporate “hub” areas, common rooms, and also bars. Concern is raised about the level of noise that may be generated by such areas, and how the behaviour of students using such areas may affect local residents. At the present time, no detailed designs are available for consideration, with the application being only in outline form, although it is accepted that the development will ultimately likely include ancillary recreational facilities. However, fully comprehending the location, operation, and potential impacts of these facilities is difficult at that stage. However, it is considered that given the size of the site, and its location, that it should be possible to design any PBSA scheme to ensure that potential disturbance is minimised through good design, and the appropriate location of such facilities within the site.
102. Additionally, it is considered to be best practice to secure a student management plan as part of any planning permission by means of planning condition, in order to ensure the development would be operated in an appropriate manner. The management plan could include such measures as day-to-day management of communal areas and individual rooms; tenancy agreements; traffic management with moving in and out procedures; and community and University liaison. Such measures should ensure that any adverse impacts upon local residents are minimised.
103. With so few details relating to the final layout and design of the development being available at this time, Environmental Health and Consumer Protection Officers recommend that noise surveys are undertaken prior to a final design being undertaken, in order to ensure that acceptable internal noise levels for prospective occupiers of the development are achieved. This can be secured by means of a planning condition. Likewise, it is also suggested the issue of lighting within the site is fully considered, and a planning condition relating to a scheme of lighting to be agreed prior to implementation is also suggested.
104. In terms of privacy, light and outlook, CDLP Policy Q8 sets out minimum separation distances between new development and existing buildings. This policy is consistent with NPPF, and can continue to be afforded significant weight. With layout, scale and appearance being matters reserved for later consideration, it is not possible at this time to consider precise impacts. However, the submitted indicative layout, and the location of the closest existing residential properties suggests that the development can be accommodated within the site, without having to compromise residential amenity in the form of outlook, privacy, or light.
105. With regards to air quality, Environmental Health and Consumer Protection Officer advise that they would not expect the development to have a significant impact during its operational phase. They do however suggest that a Dust Action Management Plan be secured by means of planning condition to ensure the dust generated during construction is appropriately managed. Subject to such a condition, the proposed development is considered to be acceptable in this respect, and in accordance with Policy H13 and Parts 8 and 11 of NPPF.

#### Character and Appearance

106. The character and appearance of the site at present, is one of open grassland, exhibiting remnants of character from its former use as part of Mount Oswald golf course. The Mount Oswald site as a whole is subject to CDLP Policy E5, which seeks to ensure the protection of open spaces within Durham City which form a vital part of its character and setting. Specifically in respect of Mount Oswald, it states the development will only be permitted where it does not exceed the height of surrounding trees, is sympathetic to the landscape setting, and is of a low density

and sets aside most of the site for landscaping /open space. CDLP Policy E5 is considered to be consistent with NPPF, and can continue to be afforded significant weight.

107. CDLP Policy E5a reinforces Policy E5 by stating that the development proposals within settlement boundaries that detract from open spaces which possess important functional, visual, or environmental attributes will be resisted. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
108. In applying CDLP Policy E5 to this proposal, it is important to recognise that the policy is seeking to protect the Mount Oswald site as a whole. A comprehensive masterplan for the redevelopment of the Mount Oswald site has previously been granted planning permission, and is currently under construction, and includes significant areas of retained open space, including the most sensitive areas, and the area of the Grade II Listed Park which is located in the immediate vicinity of Mount Oswald Manor House, resulting in a relatively low density of development overall. The development which is subject to this application, would sit within this wider masterplan for the entire site, and although not necessarily identified for student accommodation, the development of this part of Mount Oswald, in some form has previously been accepted as part of this approved masterplan.
109. In terms of building heights, and specifically the requirement to not exceed the height of surrounding trees, it is noted that the scale and appearance of the proposed development is a matter reserved for future consideration. However, indicative details submitted with the application indicate that some blocks may be up to four storeys in height. However, the policy in respect of surrounding trees can be applied in this particular instance is unclear, as this part of the site is largely surrounded by open space, however woodland to the north is located a significantly higher level, and trees to the south of the site, beyond the main access road also benefit from a higher topographical aspect.
110. Landscape Officers offer no objection to the proposed development, noting that the indicative layout is well considered, with scale and massing responding to the topography of the site and its context. The specific impacts of any detailed design proposal would have to be explored when such details are provided. However, at this stage, it is considered that it would be possible to accommodate the scale of development proposed, whilst remaining in accordance with CDLP Policies E5 and E5a.
111. CDLP Policies E14 and E15 seek to ensure that existing trees within development sites are retained and protected wherever possible. These policies are considered to be NPPF compliant, and can continue to be afforded significant weight.
112. It is noted that there is a tree within the site that is subject to a Tree Protection Order, and should therefore be retained, if at all possible. With layout being a matter reserved for future consideration, this issue cannot be fully considered at the present time, however it is considered to be unlikely that a single tree would present so much of a constraint to the development that its loss would be inevitable. Therefore, subject to planning conditions being attached requiring the retention of trees, the development can be considered to be in accordance with CDLP Policies E14 and E15.
113. Matters of appearance are also reserved for later consideration. However, the suggested indicative design approach incorporates a transition of scale and design from a more domestic scale closest to the residential properties to the west, to a

more institutional scale further to the east, as the development moves away from neighbouring uses. This approach although indicative, is considered to be acceptable and suggests that a suitable form of development can be achieved. A full landscaping scheme, in accordance with CDLP Policy Q5, and a layout and design subject to CDLP Policy Q8 would be considered further at the reserved matters stage, however details relating to these matters can be secured by means of planning conditions.

114. Overall therefore, it is considered that although indicative details are available at the present time, that the development could be successfully assimilated into the site, and its surroundings, in accordance with CDLP Policies E5, E5a, E14, E15, Q8 and Q15, as well as Part 11 of NPPF.

#### Highway Safety and Access

115. CDLP Policy T1 states that development that leads to a detrimental impact upon highway safety will not be permitted. This policy is considered to be only partially consistent with NPPF, which at Paragraph 32 advises that developments should only be refused on highways grounds where residual cumulative impacts would be severe. Accordingly, only reduced weight can be afforded to CDLP Policy T1. CDLP Policy T10 states that vehicle parking should be limited in amount, so as to promote sustainable travel options. This policy is however considered to be inconsistent with the NPPF, which does not advocate blanket limitations on parking provision, and as a result should not be afforded significant weight.
116. In terms of impacts upon the highway network, it is acknowledged that the development would be unlikely to be a significant generator of vehicle trips, particularly as the application states that the development would have only limited parking, and operate as a “no-car” scheme. Highways Officers offer no objection to this reason or conclusion.
117. CDLP Policy T5 seeks to encourage to improvement public transport services within the district, including the provision of park and ride schemes, and also seeks to ensure that that new developments can be conveniently and efficiently served by public transport. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
118. Highways Officers had originally raised concerns with regards to the increased usage of the Howlands Park and Ride site which would result from this development. The Park and Ride site is located within 400m of the site, and is likely to attract additional passengers from the proposed development. The applicant has modelled the likely impacts upon the Park and Ride service, and this modelling concludes that a peak times, particularly at the start of the University Term in October, that capacity would be exceeded. Various mitigation measures to address this issue have been discussed with Highways Officers, and it is considered that the most appropriate means would be to increase the size of buses operating from Howlands, from an Optare Solo, to an Optare Streetlife model. It is expected that the increase cost to operate this service over a 5-year period would £233,260 however it is also expected that it would lead to an increase in revenue of £103,700 over the same period, meaning that the net cost of mitigating the impact of the development would be £129,260 would be over a 5-year period. It is proposed that this can be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act. Subject to this mitigation, it is considered that the proposed development would be in accordance with CDLP Policy T5.

119. CDLP Policies Q1 and Q2 seek to ensure that all new developments take into account the requirements of all users, whilst CDLP Policies T19 and T20 seek to ensure the provision of adequate cycling facilities. CDLP Policy T21 seeks to safeguard the needs of walkers by providing safe and attractive footpath networks. These policies are all considered to be NPPF compliant, and can continue to be afforded significant weight.
120. The submitted information highlights that the proposed development would be likely to generate substantial pedestrian traffic, and as a result, consideration has been given to the likely distribution of pedestrian movements. In this instance, it is considered likely that the majority of movements will be to the north east, towards the "Hill Colleges", Durham University Business School, and towards the Lower Mountjoy site on South Road. This would likely lead to movements via Mill Hill Lane, and to a lesser extent eastwards towards South Road and Howlands Park and Ride Site.
121. Durham Constabulary has raised concern that footways on South Road are narrow and are unlikely to be able to accommodate significant levels of pedestrian traffic without causing a road safety issue. This is reflected in the comments of Highways Officers. As a result, it is considered that it would be preferable to encourage students to utilise the quieter Mill Hill Lane route as an alternative.
122. Following discussions with the applicant, Durham University and Highways Officers, it is apparent that at present there is an existing issue with pedestrians failing to utilise the footway associated with Mill Hill Lane, due to its somewhat circuitous route, resulting in pedestrians choosing to walk on the carriageway instead. Clearly introducing significant additional pedestrian traffic into such a situation, without mitigation would not be advisable.
123. As a result, the applicant has agreed to undertake to develop a scheme of highway improvements to Mill Hill Lane, which would take place within the adopted highway. These works would include improving the footway on the southern side of the road, traffic calming features, and improved lighting and signage. Officers consider that as there is a reasonable likelihood of such works being delivered, despite the applicant not being in control of the land, that it would be reasonable to secure these works by means of a Grampian-style planning condition, attached to any permission, requiring details of a scheme of pedestrian and cycle improvements to be agreed and implemented prior to the occupation of the development.
124. Overall, it is considered that subject to Mill Hill Lane being appropriately improved, that this would provide a quieter, more pleasant and generally safer pedestrian route, than the alternative route via South Road, and as a result, would be more attractive and convenient for those travelling by foot and bicycle. By minimising the use of South Road, this would address the concerns of Durham Constabulary and Highways Officers, and further, would assist in better assimilating the proposed development into the Durham University Estate and "Hill Colleges".
125. Subject to these mitigation works, it is considered that the proposed development would be in accordance with CDLP Policies Q1, Q2, T19, T20 and T21, as well as Part 4 of the NPPF.

#### Flood Risk and Drainage

126. CDLP Policy U8a states that development proposals must make satisfactory arrangements for foul and surface water disposal. This policy is considered to be

consistent with Part 10 of NPPF, which relates to mitigating climate change, and can continue to be afforded significant weight in the decision making process.

127. The application is accompanied by a flood risk assessment, which sets out that the site lies within Flood Zone 1, and is therefore at low risk of flooding. The document also sets out the surface water drainage strategy, which would take advantage of existing infrastructure installed as part of the overall Mount Oswald development. Although a detailed drainage scheme would not be available until matters relating to layout and design are considered, the applicants have outlined a drainage scheme whereby surface water would drain into this equipment at a restricted rate, achieved via SUDS source control and attenuation, that would not exceed existing greenfield run-off rates. This scheme has been considered by the Council's Drainage and Coastal Protection Team, who raise no objections to the proposed drainage scheme. As a result, it is considered that the development would not be at significant risk of flooding, nor increase flooding elsewhere, and that the development would be in accordance with CDLP Policy U8A and Part 10 of NPPF in this respect, subject to a planning condition securing final details of a drainage scheme.
128. With regards to foul water disposal, it is indicated that connection would be made to existing equipment. Based on the information submitted with the application Northumbrian Water advises that there is insufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved prior to the development commencing. Drainage and Coastal Protection raise no objections to the proposal on the understanding that the recommendations included within the submitted surface water drainage strategy and flood risk assessment. The development would therefore be in accordance with CDLP Policy U8A and Part 10 of NPPF in this respect also.

## Ecology

129. The closest site of nature conservation interest is Bluids Wood Local Wildlife Site which is located approximately 400m to the south east of the application site. CDLP Policy E16 as well as Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. CDLP Policy E16 is considered to be NPPF compliant and can continue to be afforded significant weight. An ecology walkover survey has been submitted with the application, which updates earlier ecological survey work dating from 2009. The survey concludes that there are no trees within the site with the potential to support roosting bats, although common pipistrelle bats were identified as using the site for foraging and/or commuting. No evidence of breeding birds, badgers or other protected species was found. It is also established within the survey the development would lead to the loss of approximately 3ha of improved grassland.
130. The bats found to be using the site for foraging, are of a species afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended). However, it is accepted that the improved grassland character is unlikely to be providing good foraging opportunities, with bats generally preferring structured habitats such as woodland, over open areas. As a result it is considered that the proposed development would not lead to loss of habitat, or be likely to have a detrimental impact upon the population of bat species. The County Ecologist raises no objections to the proposal.



131. It is noted that lighting within the development may have the potential to have an impact upon bats commuting or foraging outside of the site, and therefore it is suggested that a planning condition be attached in order to ensure that any lighting scheme is developed so as to minimise any impacts upon bat populations. Furthermore, it is suggested by the County Ecologist that opportunities for ecological mitigation, or indeed enhancement may present themselves during the detailed design and the scheme. A planning condition is suggested in order to ensure that mitigation is secured.
132. None of the works proposed would require a licence from Natural England, therefore there is no need to consider the derogation tests related to the granting of licence, in this instance.
133. In conclusion, as there would not be substantial harm to biodiversity interests, that could not be mitigated, the proposed development is considered to be in accordance with CDLP Policy E16, and Part 11 of the NPPF.

#### Heritage Impacts

134. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 has a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, that 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.
135. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets that may be affected by the development, whilst Paragraph 131 states that the impact local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires the impact of a development upon the significance to be considered, and that great weight should be afforded to the asset's conservation.
136. CDLP Policy E21 requires consideration to be given to buildings, open space and their setting which are not otherwise protected. CDLP Policy E23 seeks to safeguard listed buildings and their setting. CDLP Policy E26 seeks to resist development would detract from, or involve the loss of Historic Parks and Gardens. All of these policies are considered to be NPPF compliant, and can continue to be afforded significant weight.
137. The closest heritage assets to the application site are Mount Oswald Manor House, a Grade II Listed building, and the locally listed Historic Park and Garden within which it sits. The northern boundary of the Historic Park and Garden lies approximately 20m to the south of the application, and the Manor House around 100m to the south east.
138. The application has concludes that the Manor House is well screened to the north by mature trees, and that although filtered views of any new development may be visible through the woodland planting, that there would not be a harmful impact upon the significance of the listed building, or the character of the parkland.
139. Officers consider that these conclusions are generally sound, and Design and Conservation Officers raise no objection to the application. The application site itself is located within the less sensitive area of the wider Mount Oswald site, and it should be acknowledged that outline planning permission for a 1000 PBSA development

exists on a site immediately to the east, which would inevitably involve development of a similar, if not larger scale.

140. In this instance, it is the scale of the proposed student accommodation that is the key factor in whether there is an impact upon the significance of the Manor House. Topography provides some assistance, in that the site is, at its highest point marginally lower than the position of the Manor House, and falls away further to the north, however built development would potentially be visible through, or possibly even above, the mature screen of trees that provides a buffer.
141. Matters of scale and appearance are matters reserved for future determination, and as a result, the details which are currently available are only indicative. As a result, this matter will have to be given very careful consideration at the design stage. However, details submitted at this time suggest that any development would not need to exceed four storeys in height in order to accommodate the numbers of students proposed. Given the sensitivity of the location, and in order to ensure that there are not impacts upon the significance of the Manor House, a planning condition is suggested in order to restrict any future development to four storeys in height.
142. Subject to such a condition, that there would be no harm to the heritage assets, and the proposal is considered to be in accordance with CDLP Policies E21, E23 and E26, and Paragraphs 129, 131 and 132 of NPPF.
143. In terms of archaeological remains, CDLP Policy E24 seeks to ensure that any archaeological remains are properly understood, and preserved wherever possible. This Policy is considered to be consistent with Part 12 of the NPPF, and can continue to be afforded significant weight.
144. The archaeological potential of the application site was previously evaluated as part of the original outline planning permission for the redevelopment of the Mount Oswald site in its entirety. As a result, it has not been considered necessary to repeat this work with regards to this application. It has been confirmed that the likelihood of there being heritage assets in the form of archaeological remains on the site is low, and as result, there would be no harm to heritage assets as a result of this development. Furthermore, the County Archaeologist raises no objections to the application, which is considered to be in accordance with CDLP Policy E24, as well as Part 12 of NPPF.

#### Other Issues

145. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. CDLP Policy U14 states that energy efficient materials and construction techniques will be encouraged within new developments. This policy is considered to be consistent with NPPF and can continue to be afforded significant weight. Due to the outline nature of the application, information pertaining to sustainability and energy is limited, however subject to any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing, the proposal would accord with the CDLP Policy U14, as well as objectives of Part 10 of the NPPF.
146. CDLP Policy U7 states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration. This policy is considered to be only partially consistent with NPPF,

as national guidance provides greater detail for consideration this issue, at Part 11 of NPPF. Accordingly, reduced weight only can be afforded to CDLP Policy U7.

147. Ground Investigation Reports have been undertaken in respect of contamination on the site. The Council's Contamination Officer has been consulted and has assessed these reports, and the Officer is satisfied with the findings, concluding that there is no significant risk of land contamination. A planning condition is suggested in order to ensure that the correct methodology is employed, should any contamination become apparent during the construction phase of the development.
148. CDLP Policies R1 and R2 seek to ensure that developments incorporate sufficient amounts of open space for recreation. These Policies can now only be afforded reduced weight, due to their only partial conformity with NPPF. The more recent County Durham Open Space Needs Assessment (OSNA) is considered to be the most appropriate means of determining the levels of open space required.
149. As the application is only in outline form at this stage, it is not yet possible to determine whether sufficient open space could be provided within the site, however given the numbers of potential occupiers, it is considered likely that this would not be achievable. Ordinarily, in such situations, a financial contribution would be secured by means of a planning obligation under the requirements of Section 106 of the Town and Country Planning Act 1990, in order to improve, or provide additional open space off-site in order to meet these needs.
150. In this instance however, the location of the site within the context within the wider Mount Oswald redevelopment, means that the applicant is already providing a significant level of offsite public open space within close proximity to the site. Such areas would be easily accessible to residents, in addition to whatever level of provision was provided on site. Consequently, it is considered that in this instance, that it would not be appropriate to secure a commuted sum.
151. CDLP Policy Q15 seeks to ensure that public art is secured with development schemes wherever possible. This policy is considered to be only partially consistent with NPPF as it makes no allowance for how such installations would impact upon the viability of developments. As a result, it can only be afforded reduced weight.
152. In this instance, it has not been claimed by the developer that the viability of the proposed development would be likely to be unreasonably reduced as a result of providing public art within the development. Whilst no details are available at the present time as to how public art could be incorporated within the overall development, this could be acceptably resolved at the Reserved Matters stage. Consequently, it is considered to secure a scheme of public art by means of a planning condition.
153. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. This is a matter which can be addressed through the proposed planning obligation.
154. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated

infrastructure. It is recommended that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.

---

## **CONCLUSION**

---

155. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the adopted local plan unless material considerations indicate otherwise. One such material consideration is the NPPF, which at Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved. This is re-iterated in Paragraph 14 of NPPF which states that development proposals that accord with the development should be approved without delay. Paragraph 14 of NPPF also includes a presumption in favour of sustainable development where the development plan is absent, silent or relevant policies are out-of-date, and indicates that a balancing exercise should be undertaken in such circumstances.
156. In this instance, it is considered that relevant CDLP policies remain up-to-date, and as a result can continue to be afforded weight insofar as they are consistent with NPPF. Accordingly, the planning balance exercise set out in Paragraph 14 of NPPF is not engaged.
157. The application is considered to be acceptable in principle, being in accordance with Policy H16 and the Interim Policy on Student Accommodation. The Interim Policy on Student Accommodation states that new PBSA should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. The planning statement submitted with the application does provide information in relation to the need for additional student accommodation based upon Durham University's most recent projected growth figures. The site is currently redundant and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. Durham University has expressed its support for the development.
158. It is considered that the proposed development would not lead to adverse harm to residential amenity in terms of noise and disturbance, subject to proper controls being in place, and these can be secured by means of planning condition. The application would therefore be in accordance with CDLP Policies Q8 and H13.
159. The scale, appearance and layout of the final development are matters reserved for future consideration, and as a result only limited assessment of the proposed development upon matters of amenity, design, and heritage impact can be carried out at this time. However, it is considered that there are no obvious barriers to the level of development proposed being acceptably achieved. Conditions are however suggested to control student numbers and the scale of development. Overall, the development is considered to be in accordance with CDLP Policies E5, E5A, E14, E15, E16, E21, E23, E24, EMP3, R1, R2, Q15, U7, U8A and U14.
160. In terms of highway safety, improvements to pedestrian infrastructure, as well as an increase to the capacity of the Park & Ride Scheme can be secured by means of planning condition and Section 106 planning obligation. Highways Officers raise no other objections to the development, which is considered to be in accordance with CDLP Policies R11, Q1, Q2, T1, T5, T10, T19, T20 and T21.

161. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards increasing capacity on the Park and Ride Scheme is considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of targeted recruitment and training is not considered to be necessary to make the development acceptable, and is offered on a voluntary basis and cannot be afforded weight.
162. Overall, as the proposed development is considered to accord with relevant policies within the CDLP, which for the purposes of this application is considered to remain up-to-date, the application is recommended for approval.

---

## **RECOMMENDATION**

---

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

- a financial contribution of £129,260 to increase bus capacity on the Park and Ride Scheme
- a voluntary scheme of targeted recruitment and training for the construction phase,

and subject to the following conditions:

### **Time Outline**

1. No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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

### **No. of Beds**

2. The development hereby approved shall comprise a maximum of 850 bedspaces.

*Reason: To define the consent and precise number of bedspaces approved.*

### **Scale**

3. No part of the development hereby approved shall exceed four storey in height.

*Reason: To define the consent and ensure that there is no significant adverse impact on heritage assets, in accordance with Policy E23 of the City of Durham Local Plan.*

## Plans

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

Site Location Plan HJB/PA677/380 PA01  
Tree Survey Plan HJB/PA677/380 PA05  
Adopted Roads and Footpaths Plan HJB/PA677/385 PA06  
Movement Framework Plan HJB/PA677/380 PA07  
Cross-Section HJB/PA677/380 PA08  
Indicative Masterplan Layout HJB/PA677/380 PA09  
Indicative Masterplan Layout – Building Heights HJB/PA677/387 PA10

Revised Surface Water Drainage Strategy and Flood Risk Assessment 7<sup>th</sup> Issue  
October 2015 – Shadbolt Consulting.

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies CDLP Policies E5, E5A, E14, E15, E16, E21, E23, E24, EMP3, R1, R2, Q15, U7, U8, R11, Q1, Q2, T1, T5, T10, T19, T20, T21 and U14 of the City of Durham Local Plan.*

## Boundary Treatments

5. The development shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority, and have been installed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E6 and E22 of the City of Durham Local Plan.*

## Bin Stores

6. Notwithstanding the details submitted with the application, prior to their installation, full details of all enclosures including bin stores to be provided within the site shall be first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area having regards to Policies H13 and H16 of the City of Durham Local Plan and having regard to Part 7 of the NPPF.*

## Materials

7. Notwithstanding any details of materials submitted with the application no development involving external materials shall commence until details of the external walling, roofing materials, windows details and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E6 and E22 of the City of Durham Local Plan.*

## Engineering details of access and highway improvements

8. No part of the development shall be occupied until vehicular and pedestrian access to the development has been provided, in accordance with details to have been submitted to, and in approved in writing by the local planning authority.

*Reason: To ensure that adequate pedestrian and vehicle access to and from the site can be achieved in accordance with Policies Q1, Q2, T1, T20 and T21 of the City of Durham Local Plan*

## Details of improvements to Mill Hill Lane

9. No part of the development shall be occupied until a scheme of pedestrian improvement works to Mill Hill Lane, Elvet Hill Road, and South Road has been carried out, in accordance with a scheme to be submitted to, and in approved in writing by the local planning authority.

*Reason: To ensure that adequate pedestrian and cycle access to and from the site can be achieved in accordance with Policies Q1, Q2, T20 and T21 of the City of Durham Local Plan.*

## Contaminated Land

10. 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, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

### Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

### **Tree Protection**

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

*Reason: In the interests of the visual amenity of the area having regards to Policy E5 of the City of Durham Local Plan, and Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

### **Landscape**

12. No part of the development shall be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.*

13. All planting, seeding or turfing relating to any approved landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.*



## **Site Levels**

14. No development other than site clearance and groundworks shall commence until details of existing and proposed site levels, and the finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

*Reason: In the interests of the visual amenity in accordance with Policies E5 and Q8 of the City of Durham Local Plan and Parts 7 and 11 of the National Planning Policy Framework.*

## **Travel Plan**

15. Prior to the occupation of the first dwelling, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework.*

## **Foul and surface water**

16. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be in accordance with the drainage scheme contained within the submitted documents entitled "Surface Water Drainage Strategy and Flood Risk Statement" and "Foul Water Drainage Strategy" dated "December 2016", and will ensure that foul flows discharge to the foul sewer at manhole 7902, and ensure that surface water discharges to the surface water sewer downstream of manhole 6004 at a maximum restricted rate of 5 l/sec. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan. Required to be pre-commencement in order to ensure that the necessary drainage works can be carried out an early stage in construction.*

## **Public Art**

17. The development hereby approved shall not be occupied until a scheme of public art to be incorporated within the development has been submitted to and agreed in writing by the Local Planning Authority, and installed in accordance with the approved details.

*Reason in the interest of the character and appearance of the development and to comply with Policy Q15 of the City of Durham Local Plan.*

## **Embed Sustainability**

18. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

*Reason: To ensure that sustainability is fully embedded within the development as required by the NPPF.*

## **Lighting Strategy**

19. Prior to the operation of any lighting within the development, a lighting impact assessment for the lighting scheme proposed, shall take place and be agreed in writing with the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided:
- A description of the proposed lighting units including height, type, angling and power output for all lighting
  - Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
  - The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
  - Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
  - The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Thereafter, the lighting scheme shall only be installed in accordance with the approved details, and maintained thereafter for the life of the development.

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policy H13 of the City of Durham Local Plan.*

## **Noise Mitigation**

20. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic and commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.
- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
  - 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
  - 45 dB LAmax in bedrooms during the night-time
  - 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

*Reason: In the interests of ensuring that adequate levels of residential amenity are available to future occupiers in accordance with Policy Q8 of the City of Durham Local Plan. Required to be pre-commencement in order to ensure that existing noise levels measurements are accurate.*

## **Ecological Mitigation**

21. Any reserved matters application should include a series of measures to enhance biodiversity and mitigate the impacts of the development. Thereafter these enhancements shall be installed in accordance with the approved scheme prior to the occupation of the development, and thereafter retained and maintained.

*Reason: In order to minimise impacts, and provide net gains in biodiversity in accordance with Policy Q16 of the City of Durham Local Plan and Part 11 of the NPPF.*

## **Construction Methodology**

22. 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) A Dust Action Plan including measures to control the emission of dust and dirt during construction
- (b) Details of methods and means of noise reduction
- (c) Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- (d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- (e) Designation, layout and design of construction access and egress points;
- (f) Details for the provision of directional signage (on and off site);
- (g) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- (h) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- (i) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- (j) Routing agreements for construction traffic.
- (k) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (l) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- (m) 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: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.*

23. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.*

### **Student Management Plan**

24. The development hereby approved shall not be occupied until a scheme for managing the student accommodation has been submitted, and agreed in writing by the local planning authority. Such a scheme shall include details of staff levels, security measures, liaison practices, and opening hours of recreational facilities. Thereafter, the development shall only be occupied in accordance with the approved scheme.

*Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

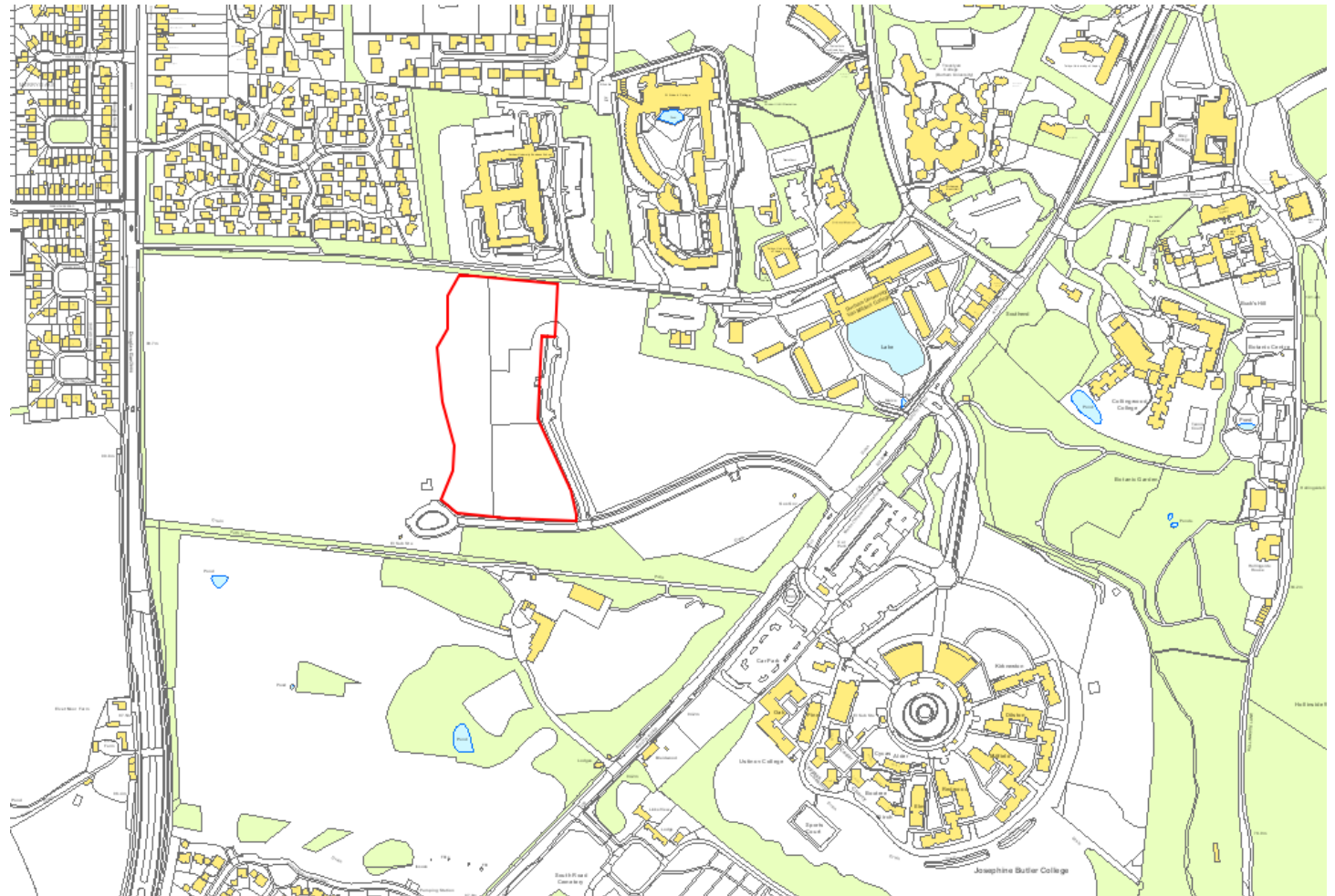
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



**Planning Services**

DM/16/04067/OUT

Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved, Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ.

This map is based upon Ordnance Survey material with the permission Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
 Durham County Council Licence No. 100022202 2005

**Comments**

**Date** June 2017

**Scale** Not to scale

This page is intentionally left blank

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/16/03448/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Extension and refurbishment of existing garden centre and car park
<b>NAME OF APPLICANT:</b>	Woodthorpe Garden Centre Ltd
<b>ADDRESS:</b>	East Durham Garden Centre, South Hetton Road, Easington Village
<b>ELECTORAL DIVISION:</b>	Easington
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a> 03000 261958

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### Site:

1. This application site lies outside of the settlement boundary of Easington Village as defined in the District of Easington Local Plan and is therefore classed as being in the countryside. The site is approximately 6.52 hectares and is an existing and well established garden centre located approximately 1 mile to the west of Easington Village across the A19 and 0.6 miles to the east of South Hetton. The garden centre is accessed off the A182 and is surrounded by open countryside on all sides.

### Proposal:

2. This application proposes to significantly expand and upgrade the existing garden centre facilities after being acquired by a new operator who operate several other successful garden centres in the country. The new facilities would include an enlarged and resurfaced 448 space customer/staff car park, expansion of internal and external retail areas, a playbarn, restaurant, orangery and replacement managers accommodation. An enlarged sustainable drainage pond designed to accommodate the run off from the enlarged and resurfaced car park is also proposed. Access to the site would remain as it currently exists off South Hetton Road.
3. It is important to note that the applicant advises that the existing number of full time equivalent staff on the site is 10. The applicant has suggested that the upgrading and expansion of the business as proposed in this application would result in approximately 250 full time and 50 part time staff.
4. This application is being reported to County Committee as it is classed as a major application and exceeds the site area set out in the scheme of delegation.

---

## **PLANNING HISTORY**

---

5. Between 1998 and 2000 several polytunnels were approved on the site followed by a dwelling, a garden centre in 2005 and tea rooms and farm shop in 2006. In December 2015 a smaller scale extension to the garden centre was approved and has been partly implemented.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. 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.
7. 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’.
8. 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 below.

The following elements of the NPPF are considered relevant to this proposal;

9. Part 1 - 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.
10. Part 3 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
11. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. Part 7 - 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.
13. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem



services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

14. Policy 1 - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
15. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
17. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
18. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. Policy 106 – States that the preferred location of garden centres is within or adjoining settlement boundaries unless it can be demonstrated that suitable sites are not available.

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

##### The County Durham Plan

20. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

21. Northumbrian Water have made no adverse comments.

### **INTERNAL CONSULTEE RESPONSES:**

22. Highways Officers have no objections to the proposals and comment that the access to the site has good visibility splays, the proposed parking provision is adequate and that the additional pedestrian footpaths are welcomed. Conditions should be imposed requiring the demarcation of the car park, electric vehicle charging points, cycle storage bays and the implementation of the agreed workplace travel plan.

23. Ecology Officers initially requested a Great Crested Newt Risk Assessment given the proximity of the site to nearby ponds. An assessment has been submitted and found the proposed works to be of low risk. Mitigation relating to Great Crested Newts should be conditioned along with further details of the enlarged drainage pond to ensure biodiversity gains.

24. Landscape Officers have no objections subject to a scheme requiring a detailed landscaping scheme being conditioned.

25. Planning Policy officers have no concerns subject to a condition which limits the use of the site to a garden centre in order to limit any damage to nearby town centre retail uses.

26. Travel Plan officers have agreed the scope of a workplace travel plan.

### **PUBLIC RESPONSES:**

27. None received.

### **APPLICANTS STATEMENT:**

28. British Garden Centres is a family owned and run independent company, being Charles & Robert Stubbs who are brothers and myself, Phillippa Stubbs, Charles' wife. We began trading in 1990 and since then have built up a portfolio of 9 garden centres based around the country. We now employ circa 500 staff whom are local to the Centres and we run all of our own Cafes/Restaurants. We have very strong family and community values, which we believe are a key factor in our garden centres success....

29. We purchase centres that are in a neglected, declining state and turn them around (in a very short space of time) into thriving garden centres in the heart of communities, we always keep on any existing staff and then very quickly add to this creating jobs within both our restaurants and in the garden centre for people in the local area, together with using local contractors and businesses to supply materials and labour during the redevelopments.

30. We always aim to provide a friendly community based environment for people to come and enjoy with high quality food in the cafes and a good selection of product at fair prices in the garden centres. We enjoy the festive time of year and usually run santas grottos and christmas displays, then in the spring and summer months we like to hold planting events and children's gardening days which help engage the local people in what we do.
31. We work closely within the industry with the HTA and GCA and have been awarded National Garden Centre of the Year with our Brigg and Woodthorpe Centres. We also like to do work with local charities raising funds through our centres events.
32. In all the communities we have acquired a garden centre in, we have developed into a positive attribute for both the immediate community and the wider community too... we ultimately pride ourselves in bringing new vitality and jobs to an area and see failing garden centres turned round and made a renewed success....

*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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and landscape impact, ecology and highways.

### **Principle of the development**

34. This application proposes to extend the existing garden centre facility and associated car parking facilities. The current garden centre which was established in 2005 consists of a shop, polytunnels, a glasshouse, external display areas and informal car parking areas. An application was also approved in 2015 for a further expansion of the garden centre which has been partly implemented. The current proposals would significantly upgrade the existing facilities and include an enlarged and resurfaced 448 space customer/staff car park, expansion of internal and external retail areas, a playbarn, restaurant, orangery and replacement managers accommodation. An enlarged sustainable drainage pond designed to accommodate the run off from the enlarged and resurfaced car park would also be provided.
35. As the planning history reveals, planning permission has been granted for various developments on a number of occasions for polytunnels, a farm shop and the existing garden centre. The garden centre is located between the settlements of Easington Village and South Hetton and close to the A19. It is considered that the proposals are in accordance with saved policy 106 of the District of Easington Local Plan which is specific to garden centre developments. It states that the location of garden centres should be within or adjoining settlement boundaries, or elsewhere if it can be demonstrated that suitable sites are not available. It also requires that the site can be served by a safe access, would not adversely affect amenity and would not undermine the vitality or viability of retail centres or shops. The site is a long established garden centre and the proposals are considered to satisfy these criteria. In addition to this it is considered that the proposals are in general accordance with parts 1 and 3 of the National Planning Policy Framework which aim to support the economy and support the growth and expansion of business and enterprise in rural areas. Overall, it is considered that the upgrading and expansion of the garden

centre by a nationally recognised company would generate significant job creation, estimated by the applicant to be of around 250 to 300 jobs, and would secure the future of the business. Given the previous approval of the garden centre it is considered that the proposals are acceptable in principle subject to the inclusion of an occupancy condition with regards to the managers accommodation requiring that it only be occupied by a full time employee of the garden centre.

## **Layout and landscape impact**

36. Saved policy 35 of the District of Easington Local Plan states that the design and layout of development should reflect the scale and character of adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. The applicant has submitted full details of the design, scale and layout for approval and along with the design and access statement, confirms that although a larger site area is covered, the scale of the buildings will reflect what is currently on site. The layout shows additional polytunnels, glasshouses and internal and external retail areas which would be located in and around an existing group of buildings resulting in a limited additional landscape impact. On this basis it is considered that the proposals would not result in any significant adverse impact on the local landscape that should result in refusal, and therefore are in accordance with saved policy 35 of the District of Easington Local Plan.

37. In addition to the above the landscape officer has stated that the County Durham Landscape Spatial Strategy identifies the site as a location for enhancement. As a result, the site falls within a Landscape Improvement Priority Area. It is therefore considered that this application represents a good opportunity to appropriately enhance the perimeter landscape of the garden centre and be a showcase for the nursery to demonstrate appropriate native planting in the countryside for new developments. A condition is attached to this recommendation which requires a detailed landscaping scheme.

## **Ecology**

38. Whilst it is noted that the site itself is generally of low value, development of the site does have the potential to have an impact on nearby protected species.

39. Policy 18 of the Easington Plan seeks to protect species and habitats and ensure appropriate mitigation. Given that there are ponds onsite and records of Great Crested Newts nearby this proposal has been the subject of a Great Crested Newt Risk Assessment which has been considered by Ecology officers. The conclusion is that the risk to Great Crested Newts is very limited and as such there is no requirement to obtain a licence from Natural England. However, the recommended working methods contained in the submitted Risk Assessment should be conditioned. In addition, further information is required through the imposition of a condition which gives detail of the enlargement of the drainage pond in order to ensure biodiversity gains.

40. Subject to the condition ensuring mitigation, the project is considered to be acceptable in terms of its relationship with habitats, species and protected sites and therefore compliant with Policies 18 of the Easington Local Plan and part 11 of the National Planning Policy Framework.

## **Highways**

41. Highways Officers have been consulted as part of the application process and have commented that the existing site is served by a very good vehicular access with the

A182, South Hetton Road, including a protected right turn lane and good junction sight visibility in both directions. In addition, the additional 'Tarmac Path' pedestrian access link to the site is welcomed from a highways point of view as it offers some segregation from the main vehicular access into the site.

42. The 235 on site car parking spaces proposed are in compliance with Durham County Council's Parking and Accessibility Standards although conditions should be imposed requiring 4 electric vehicle charging points, the demarcation of the car park and the submission of a scheme showing the provision of 55 covered cycle spaces.
43. Subject to the planning conditions outlined above there would be no Highway Development Management reasons to object and therefore the proposals are considered to be in accordance with saved policies 36 and 37 of the District of Easington Local Plan and part 4 of the National Planning Policy Framework.

---

## **CONCLUSION**

---

44. This proposals represents an opportunity to secure the future of the existing garden centre business through improvement and expansion and importantly would result in significant employment opportunities, estimated by the applicant as approximately 250 additional full time equivalent employees and 50 part time employees. The garden centre use in this location is well established and therefore acceptable in principle. There are no concerns raised by consultees in terms of highways, ecology or landscape subject to conditions.
45. On the basis of the above it is considered that this proposal, which would result in significant investment into an established rural enterprise, is in accordance with the relevant local plan policies and the aims of the National Planning Policy Framework and is therefore recommended for approval.

---

## **RECOMMENDATION**

---

That the application be **APPROVED** subject to the following conditions/reasons:

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 only in accordance with the approved plans and specifications contained within:

Proposed Site Plan 201501-10 Rev C  
Proposed Ground, First Floor and Roof Plan 201501-11 Rev C  
Proposed Elevations 201501-12 Rev C  
Proposed Elevations Continued 201501-13 Rev C  
Proposed Managers and Wardens Accommodation 201501-14  
Proposed Site Level Plans 201501-15 Rev C

*Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.*

3. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

4. The development hereby approved shall be carried out in full accordance with all recommendations within section 4.2 of the East Durham Garden Centre Pond HSI & Bat Assessment Report by KJ Ecology Ltd.

*Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.*

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.*

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme 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 interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.*

7. No development shall commence until a scheme for the provision of 4 electric vehicle charging point car parking spaces has been submitted to and approved by the Local Planning Authority. Prior to any of the extended garden centre being opened to the general public the installation of the 4 no. on-site electric vehicle charging point car parking spaces must be completed in accordance with the agreed scheme and retained in perpetuity.

*Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework.*

8. Prior to any of the extended garden centre being opened to the general public the car park must be demarcated in line with the on-site car parking scheme shown on the Proposed Site Layout Plan drg. no. 201501-10 Rev. 'C'.

*Reason: To maximise the available on-site car parking in accordance with saved policy 35 of the District of Easington Local Plan and part 4 of the National Planning Policy Framework.*

9. No development shall commence until a scheme for the provision of 55 enclosed, covered cycle spaces has been submitted to and approved by the Local Planning Authority. Prior to any of the extended garden centre being opened to the general public the 55 no. enclosed, covered cycle parking spaces must be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained in perpetuity.

*Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework.*

10. The development hereby approved shall be used as a garden centre and for no other purposes.

*Reason: In order to protect nearby town centre uses in accordance with part 2 of the National Planning Policy Framework .*

11. The development hereby approved shall be carried out in full accordance with the Workplace Travel Plan "East Durham Garden Centre, Woodthorpe Hall Garden Centre Ltd" by Development Planning Limited dated September 2016.

*Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework*

12. No development shall commence until a scheme showing full construction and planning details for the enlarged drainage pond have been submitted to and approved in writing by the Local Planning Authority. The works to the pond shall be carried out in accordance with the approved scheme and retained in perpetuity.

*Reason: In the interest of visual amenity and to conserve protected species and their habitat in accordance with saved Policies 1, 18 and 35 of the District of Easington Local and part 11 of the NPPF.*

13. The occupation of the managers house provided by the development hereby approved shall be limited to a person solely employed for the necessary purpose of security or the proper maintenance and function of the garden centre (including any dependent of such person).

*Reason: The creation of a separate residential unit in this location would be contrary to Policy 3 of the District of Easington Local Plan and part 6 of the National Planning Policy Framework.*

14. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

The Local Planning Authority in arriving at its decision to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

---

## **BACKGROUND PAPERS**

---

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

The National Planning Policy Framework (2012)

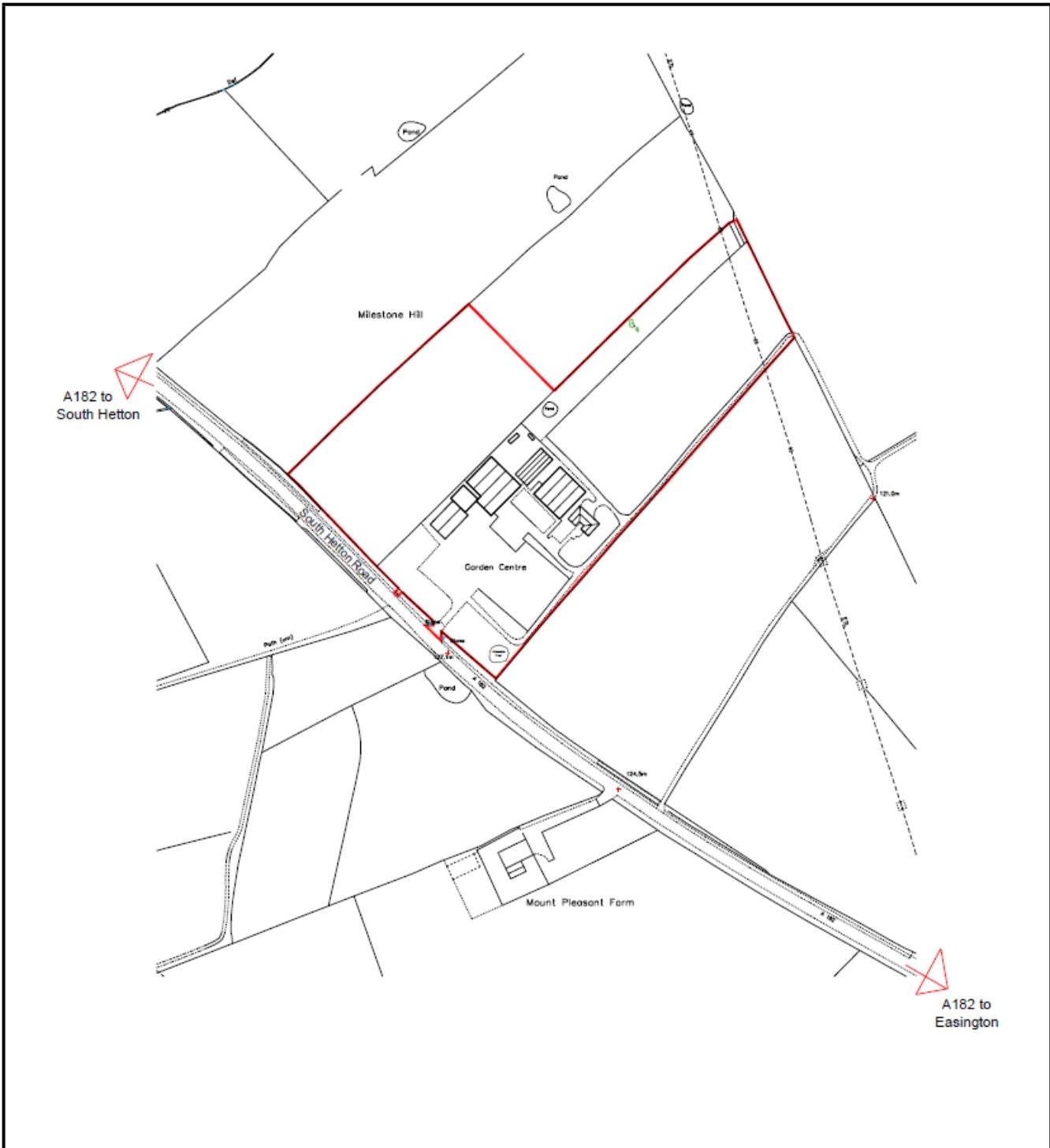
National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan







**Planning Services**

**Proposed extension and redevelopment of existing garden centre**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date** June 2017