



## County Planning Committee

**Date** Tuesday 25 July 2017  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Applications to be determined
  - a) DM/17/01765/FPA - Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses, DL14 0ST (Pages 3 - 36)  
Resubmission of DM/16/03249/FPA, hybrid application, full planning permission for the erection of 123 dwellings and outline planning permission (landscaping reserved) for up to 111 dwellings.
  - b) DM/16/02426/OUT - Land To The South Of 100 To 106 Dean Road, Ferryhill, DL17 8ES (Pages 37 - 68)  
Outline application including means of access (all other matters reserved) for up to 161 dwellings. (Amended description)
  - c) DM/17/01322/RM - Land to the South of Eden Drive, Sedgefield (Pages 69 - 90)  
Application for reserved matters (appearance, landscaping, layout and scale) for the erection of 197 dwellings and associated works (pursuant to planning permission DM/15/03808/OUT).
  - d) DM/17/00599/WAS - Hulam Farm, Hutton Henry, Hartlepool, TS27 4SA (Pages 91 - 116)  
Proposed Anaerobic Digestion Plant.
5. Neighbourhood Plans - Presentation by Spatial Policy Team
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

**Clare Pattinson**

Interim Head of Legal and Democratic Services

County Hall  
Durham  
17 July 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

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**Contact: Ian Croft**

**Tel: 03000 269702**

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/01765/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Resubmission of DM/16/03249/FPA, hybrid application, full planning permission for the erection of 123 dwellings and outline planning permission (landscaping reserved) for up to 111 dwellings
<b>NAME OF APPLICANT:</b>	Avant Homes
<b>ADDRESS:</b>	Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses DL14 0ST
<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>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of an irregular shaped parcel of land located to the edge of the existing residential development of Etherley Dene to the west of Bishop Auckland. The site extends to approximately 10.67ha in area and comprises greenfield land in an agricultural use, consisting of arable fields. Pockets of semi-mature trees and vegetation are present centrally to the site, to the southern boundary and along the Western Boundary. An approximate 18m level change is evident across the site falling in a southerly direction.
2. A public right of way (Footpath No.10 (Bishop Auckland) crosses the northern portion of the site, linking the existing residential development of Etherley Dene to the open countryside. The site is served by an existing field vehicular access on Wigden Walls Road, which also forms the western boundary to the north of the site the highway Etherley Lane is located. The Coal Burn is located to the south, which beyond lies open countryside where the land steadily rises. The existing residential development of Etherley Dene is located to the Eastern boundary of the site.
3. The site is located 2.8km to the south east of Witton-le-Wear SSSI and 740m from Escombe Pasture Local Wildlife Site. The Grade I listed building of Escombe Church is located 1.2km to the north of the site. Bishop Auckland Conservation Area lies 1.8km 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 4.2km to the north

west of the site. The Grade I building of Escomb Church is located 1.2km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site.

## The Proposal

4. This application is a resubmission of a previously refused hybrid application which sought approval for the erection of 234 houses. The applicant has attempted to address the previous reason for refusal by bringing forward mitigation for the Watling Road/Cockton Hill junction. A Landscape Visual Impact Assessment has also been submitted, while the outline element of the scheme has been detailed up, with the only matter remaining reserved is the landscaping of the site.
5. The development is intended to be developed in two phases, the first phase would provide for 123 dwellings, a new access into the site, open space and a SUDS drainage scheme all for which a detailed planning permission is sought.
6. The dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road which would provide access into phase two. The layout has been designed to provide an active frontage onto Etherley Moor Road, to the public right of way which crosses the site and a proposed amenity area to the south. Corner turning units are proposed to be utilised in key locations thought the site. The dwellings would be constructed from brick with rendered panels and pitched roofs predominately 2 storey in nature. There would be a mix of detached (70), semi-detached (46) and terraced (6) properties, 11 of which would be offered on an affordable basis.
7. The route of the public right of way would be upgraded and landscaped during the first phase of development. A 540sqm informal play area is proposed to be installed next to the western boundary adjacent the route of the public right of way. To the southern portion of the site a 1.6ha amenity area is also proposed, this would take the form of an accessible landscaped area with pedestrian and cycle link onto Rockingham Drive. Part of this area of the site would also serve as a detention basin for surface water in extreme flood events. An area of 600sqm of equipped children's play space is also proposed within the landscaped area.
8. The second phase of the development proposes 111 dwellings in outline with only the landscaping of the site reserved for future consideration. This element of the application has been amended since submission to allow further discussion with the Coal Authority requiring the design of the foundations of three dwellings in this location due to the proximity of a capped coal shaft. A detailed master plan sets out that the dwellings would be laid out in a series of cul-de-sacs with a small area of open space and play provided towards the eastern boundary of the site along with a north-south pedestrian links. There would be active frontages overlooking these links, the public right of way to the north and the SUDS amenity area to the south. Access to this phase would be taken off two vehicular links from the first phase. The mix of the dwelling would consist of 61 detached, 38 semidetached, 13 of the dwellings would be offered on an affordable basis.
9. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 100 dwellings.

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## PLANNING HISTORY

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10. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 600 dwellings.
11. A hybrid planning application (DM/16/03249/FPA) on the site for a total of 237 dwellings was refused in February 2017 for the following reason:- *The Local Planning Authority considers that the adverse impacts of the development in terms of its landscape harm and impact on the capacity of the highway network would, in the context of Paragraph 14 of the National Planning Policy Framework, significantly and demonstrably outweigh the benefits and would conflict with Policies GD1, ENV1, and H3 and T1 of the Wear Valley District Local Plan.*
12. An outline application for up to 320 residential units with all matters reserved except from access on a parcel of land directly to the south of the application site was refused in June (DM/16/03395/OUT) relating to landscape impact, connectivity and sustainability of the site and potential impact on adjacent agricultural operations.
13. An outline application for up to 150 residential units with all matters reserved on a parcel of land directly to the north of the application site was approved in June 2017 (DM/16/04062/OUT).

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## PLANNING POLICY

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### NATIONAL POLICY

14. 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’.
15. 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.
16. *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.
17. *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.

18. *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.
19. *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.
20. *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 and public rights of way; 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 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.
24. *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.
25. *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.
26. *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
27. *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.
28. *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.
29. *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

30. 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)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

31. *Highway Authority* - It is advised that proposed highway improvement works including the formation of a ghost island, pedestrian crossing refuge, widening of the highway and formation of a bus stop layby would represent an appropriate access into the site and would not adversely impact on highway safety. The scheme would comply with established parking standards. The level of traffic generated from the site, in combination with that from other proposed developments in the area, has been modelled and highway improvement works to alleviate pressures including at the junctions of at Maude Terrace/Greenfields Road, Dilkes Street Roundabout, Watling Road/A688 roundabout and Woodhouse Lane/Cockton Hill junction are proposed. It is however advised that residual impacts particularly at Woodhouse Lane/Cockton Hill junction would result in increased queues and delays despite the mitigation. However, mitigation at other junctions would encourage alternative routing of traffic and therefore cumulatively it is advised that this would not result in a severe cumulative on the transport network. A contribution of £496,012 has been costed to deliver these wider capacity improvements which would need to be secured by a S106 agreement.
32. *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, incorporation of SUDS features (such as permeable drives and filter strips) and the subsequent delivery of final scheme.
33. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition, whilst advising that the existing infrastructure could accommodate additional flows.
34. *Coal Authority* – Advise that the preliminary strategy to deal with to historic coal mining legacy is acceptable, however a condition to secure further site investigations to inform detailed mitigation measures is recommended. It is highlighted that there is a coal shaft is located in proximity of the north western boundary of the site may require a standoff if adequate foundation details cannot be produced.

### **INTERNAL CONSULTEE RESPONSES:**

35. *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.

36. 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.
37. 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.
38. 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. No objections in principle to the scheme are raised.
39. *Landscape* – Following appraisal of the submitted information, including a review of the Landscape Visual Impact Assessment, it is advised that the proposals would involve an incursion of built development into open countryside west of Bishop Auckland and there would be some localised harm to the character of the landscape. However the visual impact of the development would be largely mitigated in time by the structural landscaping proposed to the western edge of the site and planting along the Coal Burn in the south.
40. *Landscape (Arboriculture)* – Highlight the presence of a number of trees and mature hedgerows. It is recommended that these should be retained and accommodated within the development and a comprehensive tree protection plan developed for approval. Concerns are raised regarding the potential conflict of bunding associated with the SUDS and a group of trees adjacent Coal Burn.
41. *School Places and Admissions Manager* – Advises that a development of 234 houses could generate an additional 70 primary pupils and 28 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 £696,768 is sought to deliver the increased capacity. This figure takes into account a recent review and subsequent increase of primary school contributions towards education provision.
42. *Sustainability* – Offers no objections, while highlighting that a second vehicular access would promote sustainable transport opportunities. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
43. *Archaeology* – Advise following onsite trial trenching, informed by a Geophysical Survey of the site that there are no archaeological interests that would be affected by the development. No further mitigation is required.

44. *Housing Delivery* – Previously advised that the proposed 10% affordable housing would comply with policy requirements and help meet an identified need.
45. *Access & Rights of Way* – Previously identified that a public right of way crosses the site (Footpath No.10 Bishop Auckland), the maintenance of this footpath and the proposed resurfacing work is welcomed.
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. The risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible, a conditional approach to surveying trees prior to any removal is recommended. 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.
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 and phase 2 site investigation has been submitted in support of the application. Although these are generally considered sound further work is required to address gaps in monitoring, including from gas risk 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. The methodology and conclusions from the odour assessment are considered sound any odour is unlikely to lead to a significant effect. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
50. *Design and Conservation* – Officers advise that there are no heritage related issues associated with the development, due to the limited inter visibility between to nearest listed buildings and conservation areas. Design advice on the scheme is offered.
51. *Sustainable Transport* – Advise that modifications to the submitted travel plan are required, to be agreed by condition.

#### **PUBLIC RESPONSES:**

52. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 34 representations have been received.

#### Objection

53. 32 letters of objection have been received in relation to the development as summarised below:

#### *Principle/Sustainability*

- 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 and growth rates in Durham are low.
- There are lots of the smaller surrounding villages that are in need of some re-generation.
- There is not sufficient employment for residents.
- Existing housing developments have not sold all their properties.
- Bungalows should be included in the layout.
- Potential isolation of phase 1 if this phase 2 does not get implemented.

#### *Landscape/Design*

- The site is located outside of the settlement boundaries of the village and its development would lead to a significant visual impact.
- The density of the development is too great with limited open space.
- Greenfield/green belt sites should be protected.
- Coalescence with Escomb village resulting in the loss of rural countryside and impact on a Historic Village.
- Crime prevention views are important in influencing the layout of any new build.
- The development would result in unnecessary loss of countryside and irreversible damage.

#### *Residential Amenity*

- Loss of residential amenity caused by prolonged duration of construction works, including construction related traffic.
- A buffer should be provided to residents to the east to prevent views from the development.
- Privacy concerns are raised regarding the location of the footpath to the south of Croftside.
- Air quality impacts from additional vehicles.
- Loss of outlook over adjacent countryside
- Inappropriate relationship between proposed and existing properties due to level changes on site.

#### *Highways*

- The potential increase in traffic generated by the development would have implications on farming operations in the area.
- 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 potential impact on well used public rights of way is highlighted.
- The Transport Assessment has not considered the impact of all junctions.
- The crossroads adjacent to the site regularly experience accidents, contrary to the conclusions of the TA.
- Vehicles regularly exceed the speed limit in the area.
- Footpaths in the area are inadequate while there is not crossing facilities for children to access Escomb School.

- A north south link road should be provided linking to the development site to the development to the south along with a roundabout at Escomb crossroads.
- There is a riding school within close proximity to the development these and other road users are incompatible with increased road traffic.
- Extra traffic could affect blue light emergency vehicles ability to respond to emergencies.
- 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.

#### *Other*

- The development would result in the loss of wildlife habitat and green space.
- Concern on the bat and barn owl population of the area while there is potential for newts to be present.
- Drainage ditches are present along site boundaries which should be maintained, concerns are raised relating to increase flood risk.
- A crime prevention report has not been submitted.
- Lack of bungalows and older persons housing.
- Concerns are raised regarding increased flooding in the area as natural drainage will be destroyed.
- Loss in value of residential properties.
- Lack of playgrounds / outdoor areas for children.
- The site is valuable agricultural land.
- Capacity of the sewerage system.
- Impact of future residents on emergency services.
- The impact of the future expansion of farming enterprises by introducing sensitive receptors in close proximity.

54. A letter of objection has also 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. 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.

#### Support

55. One letter of support has been received outlining support for the building of additional homes in the area, particularly the affordable homes.

#### **APPLICANTS STATEMENT:**

56. Avant Homes have worked closely with the Council's Officers and local Members to address concerns previously raised by this planning committee. The delivery of this application if approved is not in doubt. The proposals are supported by a national housebuilder fully committed to providing new homes in Bishop Auckland. Avant Homes have a nationwide reputation for innovative design and delivered over 1,600 homes across the UK last year.
57. Bishop Auckland is one of the largest and most sustainable towns in the County with a range of schools, shops and local facilities which require the town to grow in future years in order to retain their vitality. The site to the north of Avant's is in the process of

securing planning permission for up to 150 homes and the proposals before you today provide a logical means of rounding off development to this edge of the town. This edge of Bishop Auckland has long been identified by the Council as the most suitable part of the town to accommodate future growth and this site in particular has always been the focal point of this strategy.

58. The proposals would deliver 234 new homes, providing Bishop Auckland with 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. New homes will increase local spending and ensure that the town's services and facilities are supported. The development would introduce larger family homes into the town – providing for a more diverse housing choice in the local area and affording people the opportunity to purchase a high quality new home without needing to move outside of Bishop Auckland.
59. The site access has been designed to complement the development to the north which was minded to grant by this committee, ensuring safe access for vehicles and improving pedestrian routes to local bus stops and facilities such as Escomb Primary School. The impact of the development on the local highway network has been thoroughly assessed alongside Officers at the Council. The scheme of mitigation being proposed at these junctions, which has been agreed with your highways officers, ensures that the impact of the development is not severe and is considered acceptable to Officers.
60. The proposals provide a well-defined green edge to the west of Bishop Auckland, which incorporates sustainable drainage features to reduce the risk of flooding in the local area. This landscape envelope also provides habitat improvements and ensures that Coal Burn and the tree belt running alongside it are protected.
61. The development will provide 10% Affordable Housing and financial contributions to improve local schools and highways junctions. 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/simpleSearchResults.do?action=firstPage>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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62. 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*

63. 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.
64. 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*

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

### *Five Year Housing Land Supply*

69. 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.
70. 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)
71. 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.
72. 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.
73. 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*

74. 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.
75. 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.

76. WVDLP Policy H3 is accompanied by WVDLP Policy ENV1 which relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would 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
77. 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.
78. 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

79. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of Etherley Dene and the wider development of Bishop Auckland by reinforcing pedestrian connections along the eastern boundary and to the north to the nearest Primary School. Footpath improvements and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
80. 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 Etherley Dene representing a greenfield extension, however a distance of 2300m is evident to the town centre, 2000m to Tindale Crescent retail and employment sites. A distance of 1300m is evident to the nearest secondary school and 650m to the nearest primary school. The nearest GP is located 2300m away while Bishop Auckland Hospital is located 2000m away.
81. 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 identified as a main town in the Council's Settlement Study 2012 due to its array of services and 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 234 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of

services provided. The walking routes into Bishop Auckland are also on adopted well-lit highways with no significant topographical restrictions.

82. In terms of cycle access, the site does perform better, with services in the town centre within a 5 minute cycle ride. Bus stops are located on the east and westbound Etherley Moor Road a maximum of 350m walk for future residents. This would give access to the town centre and connections beyond. A range of transport options would therefore be available for future residents.
83. 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 GDP1 and H24 of the WVDLP which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

#### Landscape and Visual Impact

84. WVDLP Policy GDP1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments would not have a detrimental impact on the landscape quality of the surrounding area. This policy is considered compliant with the NPPF in recognising the intrinsic character and beauty of the countryside and seeking to protect valued landscapes. Full weight can therefore be given to this policy in the decision making process in this respect. As highlighted above 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 compliant 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 is considered dual purpose, although relating to housing supply and as above considered out of date in this respect, it 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 lies on the high land between the Wear and Gaunless valleys on sloping ground falling south from the ridge to the shallow valley of the Coal Burn. The site is made up of open farmland in two fields, a smaller pasture in the north and larger arable field in the south. The two fields are divided by an old hedgerow which follows an historic township boundary, and also the route of the public right of way. The site is bounded to the west by an old hedgerow following an historic township boundary along Wigdan Walls Road, and to the north by a 19th Century hedgerow following Etherley Lane. Beyond the site to the north and west lies open pastoral farmland. It is bounded to the south by the tree lined watercourse of the Coal Burn over which rises open arable farmland of a similar character. It is bounded to the east by an existing housing development.
86. The site does not lie in an area covered by any national or local landscape designations; however land further north of Etherley Lane lies in an area identified in the WVDLP as an Area of High Landscape Value (AHLV). Landscape officers identify that the site is generally visible from the Coal Burn Valley within around 1 mile of the site and in relatively shallow views from the north and west and slightly deeper views from the south, the latter in close visual association with the existing settlement edge. It is advised that the site is visible in shallow views at greater distances (2-5km) from higher ground to the north and east where it forms a small

part of visually complex panoramic views, including the built form of Bishop Auckland.

87. The applicant has submitted a Landscape Visual Impact Assessment in support of the revised application following the refusal of the previous application. The assessment concludes that the mitigation proposed would not result in significant landscape harm.
88. Landscape officers have assessed the submitted document and consider, as they did with the refused application that the effect of the development on the character of the site itself would be transformative and adverse, but this is always the case for development of this nature on green field sites. In respect of the impact on the local landscape character (the Coal Burn Valley within around 1.5km) it is advised that this impact would be of a medium magnitude taken in the round. In deeper views such as those from the higher parts of Wigdan Walls Road the existing settlement edge is prominent and while the further encroachment of built form would be noticeable the general character of the view would remain similar. Built form would remain relatively prominent in some of these views, above and through vegetation along the Coal Burn. However, it is advised that reinforcing the existing tree line would help mitigate this. In shallow views from the north and west the development would bring the settlement edge closer to the viewer however it is advised that the built form could be readily assimilated in these shallow views by structure planting in the medium term with trees of an appropriate scale. In views from Etherley Lane passing the site the effects of development would be to extend the urban character of the settlement into open countryside. The frontage would have an urban character with the road widening measures and site entrance being notable features. Buildings would be visible from the road, though set back behind a hedge, giving an appropriately transitional 'edge of settlement' character. The effect on the character of the landscape here would be higher but localised. It is advised that the impact on the wider landscape quality of the AHLV would be minimal.
89. WVDLP Policies GD1, ENV1 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development. As a result of the development an extension beyond the established settlement edge would occur, contrary to local plan policies. However, in line with recommendations on the refused application this visual impact is relatively localised while views of the site would largely be set against the backdrop of existing housing development. The 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 still amount to landscape harm and therefore this impact needs to be considered within the wider planning balance.

#### Layout and Design

90. 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.

91. Furthermore NPPF Paragraph 58 sets out that decisions 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.
92. It is recognised that a proportion of the application is in outline form, however in this revised application only the landscaping of this element remains a reserved matter and therefore the layout of the site can be fully considered.
93. In considering the resubmitted scheme against the above policy criteria, recognising the opportunities and constraints of the site, on the advice of the Design and Conservation officers it is considered that overall the development would relate well to the surrounding built environment providing a low density attractive active frontage onto the northern boundary of the site and the highway of Etherley Lane. Moving through the development active frontages and corner turner units have been utilised to maintain an attractive street scene. The proposed house types are considered appropriate to the area, which does not exhibit a strong local vernacular, and are considered high quality in terms of design. The highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development, particularly using the PROW, the SUDS are and the north south links across the site. Active frontages around these elements promotes natural surveillance and would promote their use.
94. The route of Footpath No 10 (Bishop Auckland) is maintained and enhanced providing a resurfaced path set amongst a landscaped buffer to retain a rural feel, although recognising that it would change its current character. However, direct and improved connectivity for future to existing residential areas and established footpath links. Access and Rights of Way officers have previously advised that proposed upgrading of the surfacing of this route is welcomed and advise that this should continue back to the adopted highway. A condition to secure this is recommended. To the southern portion of the site a large amenity area including a SUDS's retention basin, formal and informal play area and connectivity onto Rockingham Drive via an adopted highway are proposed. This area would represent a positive piece of green infrastructure and public realm which could be utilised by existing residents (to be secured by condition). Footpath links would also be provided to the land to the south, should planning permission be granted for that site on appeal. Minor design modifications are required to the hard and soft landscaping strategy to improve the appearance of the layout, including the introduction of shared surfaces and the provision of planting down the main distributor road. It is considered appropriate to agree these finer details by condition.
95. 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.
96. Overall, it is considered that the scheme would deliver a high quality and visually attractive development that would contribute to the quality of the surrounding area. It

is also considered that the scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself with the existing settlement, in accordance with WVDLP Policies GP1 and H24 Paragraphs 58, 61, 62 and 64 of the NPPF.

## Highway Safety and Access

97. 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.
98. The development would be served by a single vehicular access taken off the adopted highway Etherley Lane leading to a series of cul-de-sacs and private shared drives. An existing field access would serve as an emergency access to the site. In order to facilitate the new access the existing highway would be re aligned slightly to provide a protected right turn, a pedestrian refuge island and new 1.8m wide footways. The existing bus stop would be reconfigured, providing a lay by and new pedestrian footway. In line with the refused application the Highway Authority advise that these improvement 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 secure the implementation of these works before the occupation of the 30th dwelling to ensure connectivity. Internal to the site, it is advised that the highway layout is acceptable and could accommodate relevant service vehicles and that sufficient in-curtilage parking to meet parking standards is provided.
99. 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. This was a matter of concerns for members, and the highway impact was included in the reason for refusal in the previous application. As required by Paragraph 32 of the NPPF the application is supported by a revised 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, Dilks Street/A688 roundabout and Watling Road/A688 roundabout up to operational capacity. The mitigation is in the form of road widening along and layout changes with traffic light reconfigurations at Maude Terrace/Greenfields Road. Further to this, mitigation has now been identified as being deliverable at the Woodhouse Lane/Cockton Hill junction through lane widening and re phasing of the traffic lights. This was not proposed in the previous application.
100. 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, Dilks Street/A688 roundabout and Watling Road/A688 roundabout would result in the junctions 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 queue 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 detailed above would help mitigate some of the alternative routing traffic.

101. 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 £496,012 has been costed to deliver these off site highway improvements which would be secured by a planning obligation under S106 of The Town and County Planning Act 1990 (as amended) 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.
102. 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.
103. 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. This residual impact is considered to be less than identified in the refused application but should be taken in to account in the planning balance. The scheme is considered to accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

## Ecology

104. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The closest site of nature conservation is located 2.8km to the south east of Witton-le-Wear SSSI and 740m from Escombe 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 conditional approach is however recommended requiring further surveys of mature trees should they need to be removed. 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.
105. 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 Part 11 of the NPPF in this respect subject to a condition developing

the lighting strategy for the site and securing the off-site contribution through a planning obligation under S106 of The Town and County Planning Act 1990 (as amended).

## Residential Amenity

106. 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. Whilst 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.
107. The detailed site layouts of phase's 1 and 2 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 WVDLP. This is with the exception of plot no.25 where the gable elevation would be located approximately 5.1m from the side elevation of the existing detached bungalow of Rimrock. This elevation contains a habitable room window, however this is a secondary window, with principal windows on the front and rear elevation of this property. Although the development would reduce the outlook from this window, it is considered that it would not reduce the occupiers' residential amenity to a level that would warrant refusal of the application. In addition, consideration also needs to be given to the impact of a 2m high boundary fence which could be erected under permitted development around the site, in lieu of a 1.2m high boundary fence.
108. Overall, it is considered that there would be an appropriate relationship to neighbouring and future residents, in terms of overlooking, privacy and outlook. Further scrutiny of this matter would be given to a reserved matters application for the outline element of the scheme.
109. The development would increase the comings and goings of vehicles, and to a lesser degree pedestrian which would have an impact on the amenity of existing residents. However, such impacts are considered to not be so significant as to would warrant refusal of the application.
110. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts.
111. 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 Wigdan Walls Road 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 adequate levels of residential amenity would be achieved.
112. Following refusal of the original planning application, and another application in the area the applicant has undertaken an odour assessment assessing the impact of existing and potential future farming operations. Following discussions with the farm

owner this includes the potential diversification to pig farming, which is considered a worst case scenario in terms of odour. The report concludes that based on the existing operations of the farm there would be no impact of odour on residential amenity would be negligible. Should the operations diversify to pig farming (the worst case scenario) it is identified that the immediate vicinity of the site (25m) there would be some adverse odours, however at 36m this would reduce to negligible and not significant. At a distance of 150m, to the closest dwelling, the report concludes that there would not be any significant impact. Environmental Health and Consumer Protection officers agree with the methodology and conclusions of the submitted report and advise that a statutory nuisance would not arise.

113. Overall, the scheme would comply with WVDLP Policies GDP1 and H24 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and operations and achieve a satisfactory separation distance internal and external to the scheme ensuring adequate levels of residential amenity.

#### Flooding Risk and Drainage

114. 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.
115. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin to capture surface water in 1 and 100 year flood events to discharge to Coal Burn at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and porous paving, which would help restrict runoff to greenfield rates before being discharged to a water course. Subject to securing the finer detail of this approach, the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.
116. 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.
117. 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

118. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies within 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 identification of a mine entries in the north west portion of the site and adjacent to the north eastern boundary, along with potential unrecorded mine workings. The applicant has detailed in principle how

these mine entries would be treated and capped while large areas of the site would be grouted to stabilise the land. The Coal Authority advise that the preliminary strategy to deal with the historic coal mining legacy is acceptable, however a condition to secure further site investigations to inform detailed mitigation measures is recommended. It is highlighted that there is a coal shaft located in proximity of the north western boundary of the site which may require a standoff if adequate foundation details cannot be produced. Whilst dialogue has taken place between the applicant and the Coal Authority on this issue, detailed foundation designs have not been fully worked up and approved by the Coal Authority for these plots. Therefore in order to allow the development to progress, these three plots have been omitted from this application until such a time this matter is resolved. The omission of these properties has no significant impact on the layout of the site.

119. 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 the further monitoring and assessment is required, particularly in relation to gas modelling, it is recommended that this is agreed by condition.

#### Heritage Impacts

120. The Grade I building of Escombe Church is located 1.2km to the north of the site. Bishop Auckland Conservation Area lies 1.8km 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 4.2km to the north west of the site. The Grade I building of Escomb Church is located 1.2km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site. The Planning Authority is required under S.66 of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings. In assessing this impact given these separation distances and the limited inter visibility between to nearest listed buildings and conservation areas The Council's Design and Conservation officers have advised that there are no heritage related issues associated with the development.
121. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a Geophysical Survey which has been supplemented by trial trenching, following these investigations the Council's Archaeology officer advises that there are no archaeological interests that would be affected by the development and therefore no further mitigation is required.

#### Other Matters

122. 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 is classified as Grade 3b, falling below the definition of best and most versatile which the NPPF seeks to protect. The loss of this land for agriculture is therefore not considered to be an adverse impact.
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. However, it is advised that dust management plan should be adopted during the construction phase in order to comply with 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. However, this would be achieved through the building regulations.
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 School Places and Admissions Manager highlights that a development of 234 dwellings would be expected to generate 70 primary and 28 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 £695,389 is offered by the developer by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990. This contribution would be in line with the Council's revised policy on securing developer contributions in relation towards education provision.
127. 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 24 dwellings, 1 in the first phase and 13 in the second phase. The affordable units would take the form of 2 bed semi-detached and terraced properties, with the tenure to be agreed and secured through a planning obligation. It is likely that a 25/75 % mix of discounted market value and socially rented units would be provided.
128. 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.

129. 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.
130. In this instance the site layout indicates that 1.6ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. A separate area of 600sqm equipped child/youth play space is also proposed within the site. This provision, along with other incidental areas meets the identified OSNA targets for different open space and recreation typologies. This is with the exception of the provision of the allotment typology. Within the Bishop Auckland and West Auckland area there is an under provision of allotments, however this under provision is considered to be outweighed in this instance by the quality of green infrastructure proposed and equipped play. No off site contribution is therefore required to mitigate the development's impact as the scheme overall would provide an enhanced amenity resource in the local area.
131. The Council's Employability officer requests that targeted recruitment and training (TRT) clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and is discussed later in this report.
132. In addition to those obligations considered necessary to make the development acceptable and the voluntary TRT obligation, the applicant has, by way of a unilateral undertaking, offered a financial contribution of £300,000 as a community contribution. The community contribution would be for distribution to local community organisations known as the Heath Express (£125,000), The South Durham Enterprise Agency (£125,000), and the Bishop an Auckland and Shildon Area Action Partnership (£50,000 for use in the West Auckland Electoral Division). As such a contribution is not considered necessary in planning terms it follows that it must therefore be afforded no weight in the consideration of the application proposals.

#### 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 24 affordable housing units which would meet an identified short fall within the County.
138. The scheme would provide for an attractive public realm including child play space that would be accessible for local residents.
139. The applicant has also stated that in accordance with the request from the Employability Team that this requirement would be included in the proposed planning obligation to secure targeted recruitment and training/local labour requirements.

#### *Adverse Impacts*

140. 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.
141. 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. Due to the mitigation now able to be brought forward at the Watling Road/ Cockton Hill Junction this residual impact is considered less than that identified in the original planning application.

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## **CONCLUSION**

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142. This revised application seeks to address the previous reason for refusal which has involved a detailing of the outline element of the application and submission of additional assessments these have been considered in the determination of this application. It is concluded that development would still conflict with WVDLP Policies H3 and ENV1. 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. In line with the previously refused scheme, 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. There would be some residual impact on the wider highway network through increase traffic, however at a lesser level than in the refused application due to the mitigation now able to be brought forward. 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 significantly and demonstrably 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, off site habitat creation, provision of affordable housing, commitment of targeted recruitment and training and recruitment policy and creating pedestrian links to the south are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. The provision of a community contribution does not meet such tests and is therefore not afforded 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.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to:

The completion of a Section 106 Legal Agreement to secure the following:

- 11 Affordable Housing units in Phase1;
- 13 Affordable Housing units in Phase 2;
- £496,012 for offsite highway mitigation works;
- £695,389 education contribution;
- £43,168 for offsite habitat creation;
- Securing pedestrian links over Coal Burn; and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

The completion of a Unilateral Undertaking given on a voluntary basis to secure a community contribution of £300,000; and,

The following conditions:

1. The development hereby permitted in "Phase 1" as identified on drawing ED:SL:01 Rev O shall be begun before the expiration of three years from the date of this permission

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

2. No development other than site clearance and remedial works shall take place in Phase 2 as identified on drawing ED:SL:01 Rev H until approval of the details of the, landscaping (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with

the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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

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

LP-01 – Site Location Plan  
EX-01 – Existing Site Plan  
ED\_SL\_01 Rev H – Planning Layout @ 1:1000 Rev P  
ED\_SL\_02 Rev B – Planning Layout @ 1:500 Rev C  
ED\_EHL\_01 Rev A – Boundary Treatments and External Hard Landscaping Plan Materials Schedule Phase 1 Rev E  
ED\_EHL\_02 Rev C – Boundary Treatments and External Hard Landscaping Plan Materials Schedule Phase 2  
BD\_001 – 1.8 Timber Fence Detail  
BD\_002 – 1.8 Wall and Fence Detail  
BD\_003 – 900mm Post and Rail Detail  
SITE/APN/000 – Appleton End  
SITE/ASY/001– Ashbury Brick  
SITE/COD/001 – Coleford End  
SITE/CRD/001– Cranford End  
SITE/DAN/001 – Dalton 1 Det  
SITE/DAN2/001 – Dalton 2 Det  
SITE/KIN/001– Kilmington End  
ETH/SUN/001 - Sutton  
ETH/NEN/001 – Newton Det  
ETH/NOY/001 – Norbury Det  
ETH/ROY/001 – Rosebury  
Elevation Option Drawing  
799\_01 Rev E – Landscaping Strategy Rev I  
799\_10 – West Boundary Cross Sections  
799\_11\_ Suds area Typical Cross Sections  
C005 Rev C – Northern Site Ghost Island Rev F

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

4. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan C005 rev F shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully completed prior to the occupation 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.*

5. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway and resurfacing of existing pedestrian footway along B6282 Etherley Moor Road in a easterly direction for 50m, shall be submitted to and approved in writing by the Local Planning Authority. The footpath and resurfacing work shall thereafter be completed 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.*

6. Prior to the occupation of the first dwelling hereby approved provision shall be made for new bus stop infrastructure on the B6282 Etherley Moor Road and Rockingham Drive 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.*

7. Prior to the occupation of the fifth dwelling hereby approved, full engineering details of the resurfacing and lighting of the Public Right of Way (no.10 Bishop Auckland) extending from the eastern boundary of the site to Rockingham Drive shall be submitted to and approved in writing by the Local Planning Authority. The resurfacing work and lighting shall thereafter be completed in accordance with the approved details prior to the occupation of the 50th 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.*

8. Prior to the occupation of the fifth dwelling hereby approved, full engineering details of the resurfacing and lighting of the Public Footway south of Lancaster Close, extending from the eastern boundary of the site to Rockingham Drive and the method of connection to the footway from the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be completed prior to the occupation of the 30th 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.*

9. 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 completed 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.*

10. No development work shall take place until all trees and hedges 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.*

11. Notwithstanding the submitted information, prior to the occupation of the 1<sup>st</sup> dwelling hereby approved a detailed landscaping scheme based on the principles set out in the Landscaping Strategy, Drwg 799\_01 Rev H shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

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

The submitted scheme shall ensure that any land regrading required to facilitate the SUDS scheme is located outside of any tree protection area.

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

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

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF.*

12. Notwithstanding the submitted information, prior to the occupation of the 5<sup>th</sup> dwelling, full details of the Children's Play Area and informal play/trim trail areas set out on drawing ED:SL:01 Rev O should be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, details of equipment to be installed, surfacing of the areas, boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved play areas shall be completed in accordance with the approved details and timeframes thereafter.

*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.*

13. Prior to the occupation of the first dwelling of the relevant phase identified on drawing ED:SL:01 Rev H a Framework Travel Plan for that phase has been 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 any part of the development of the relevant phase identified on drawing ED:SL:01 Rev H, a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

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

15. Prior to the occupation of the first dwelling in Phase 1 as set out on plan drawing ED:SL:01 Rev O a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed 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 completed in accordance with the agreed scheme.

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

16. Prior to the occupation of the first dwelling in Phase 2 as set out on plan drawing ED:SL:01 Rev O a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed 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.*

17. 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 completed in accordance with the approved details and timings thereafter.

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

18. The development shall take place 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.*

19. Notwithstanding the submitted information, prior to the removal of any tree on site a bat risk assessment for that tree shall be submitted to and approved in writing the Local Planning Authority. Should the approved risk assessment identify further survey work is required this shall be undertaken and the results along with any mitigation required (including potential retention of the tree) submitted to and approved in writing by the Local Planning Authority. The development shall be thereafter carried out in accordance with the approved detail and/or mitigation.

*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.*

20. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall incorporate mitigation detailed within section H of the Ecological Impact Assessment compiled by E3 ecology, Dated October 2016. The approved lighting strategy shall thereafter be incorporated into the development.

*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.*

21. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by Wardell Armstrong NT12821 report No. 001 dated October 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 GDP1 of the Wear Valley District Local Plan and Part 11 of the NPPF.*

22. Prior to the commencement of development of "Phase 1" as set out on plan drawing ED:SL:01 Rev O 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 for implementation of those remedial works.

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

*Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the 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 commencement of development of "Phase 2" as set out on plan drawing ED:SL:01 Rev O 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 for completion 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.*

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (2015) or any order or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, or walls, other than those hereby approved shall be erected beyond the forward most part of any wall of a dwelling house which faces onto a vehicular highway.

*Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley District Local Plan and Part 7 of the NPPF.*

25. 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 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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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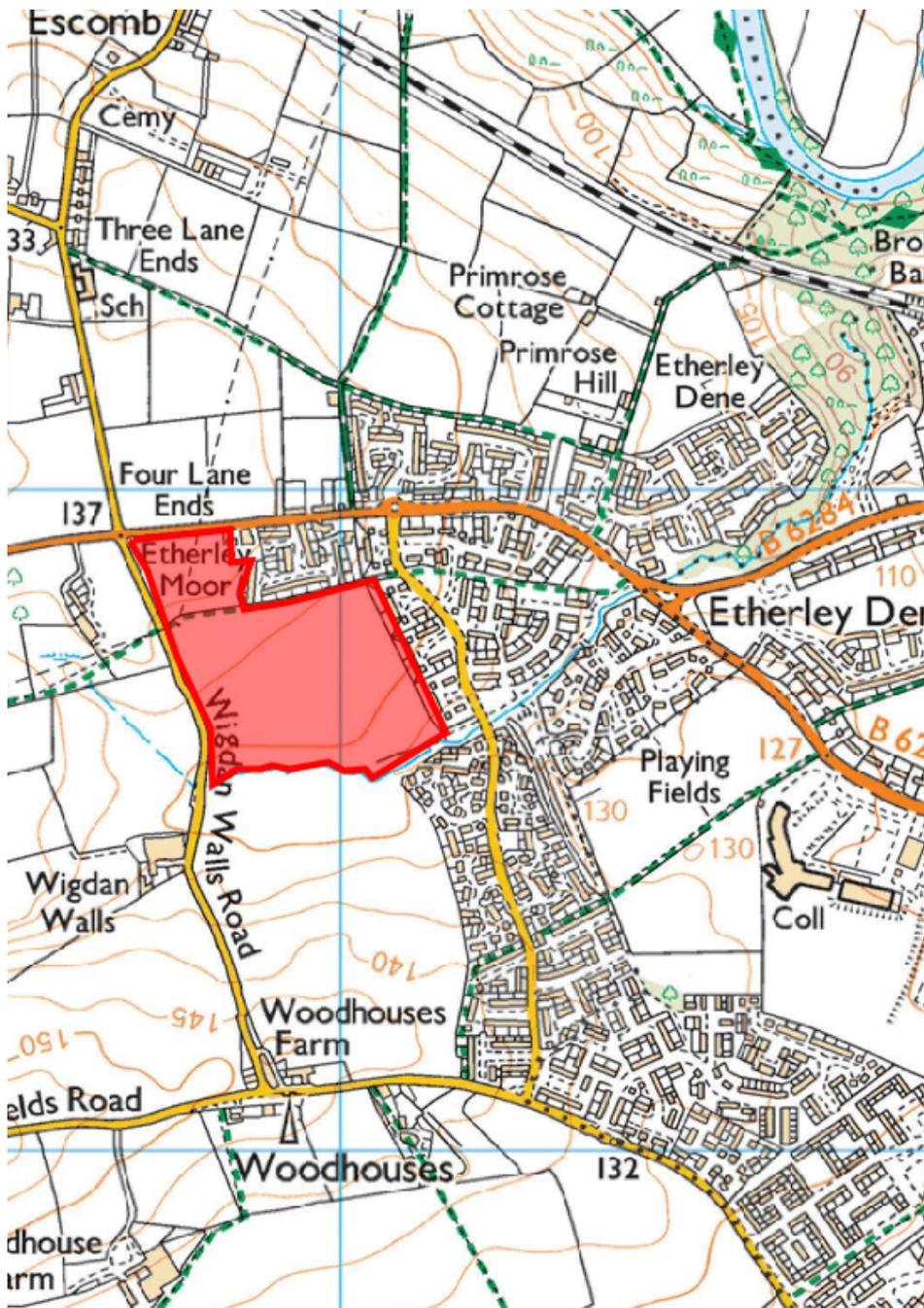
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- 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



 <p><b>Planning Services</b></p>	<p><b>DM/17/01765/FPA</b> Resubmission of DM/16/03249/FPA, hybrid application, full planning permission for the erection of 123 dwellings and outline planning permission (landscaping reserved) for up to 111 dwellings</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> July 2017</p>	<p><b>Scale</b> Not to scale</p>

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/02426/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application including means of access (all other matters reserved) for up to 161 dwellings. (Amended description)
<b>NAME OF APPLICANT:</b>	Story Homes
<b>ADDRESS:</b>	Land To The South Of 100 To 106 Dean Road Ferryhill DL17 8ES
<b>ELECTORAL DIVISION:</b>	Ferryhill
<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>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of a rectangular shaped parcel of land located to the south eastern edge of Ferryhill to the north of the County. The site extends to approximately 11.10ha in area and comprises greenfield land in an arable use. A number of disused buildings are present in the north western corner of the site. An approximate 10m level change is evident across the site falling in a southerly direction.
2. To the northern boundary of the site are the residential properties 74-114 Dean Road, 1-14 Southside and the detached property of Harvest View are located. Located to the east of the site the residential properties of 93 - 99 Darlington Road and the highway the A167. To the south open countryside is present, whilst to the east the residential properties of 73-74 Dean Park are located. The site is served by existing field vehicular accesses onto Dean Road and onto the A167. A public right of way (Footpath No.7 Ferryhill) is located adjacent to the eastern boundary of the site.
3. The site is located 1.1km to the west of The Carrs SSSI. Ferryhill Cut and Ferryhill Stell & Grassland Local Wildlife sites are located approximately 1km and 1.5km to the east of the site respectfully. Mill Wood Local Wildlife site is located 2.3km to the south west of the site. The Grade II\* listed building of Little Chilton Farmhouse is located to the south east of the site. The Grade II listed buildings of St Luke Ferryhill and associated former vicarage are located 520m to the north of the site within Ferryhill Town Centre.

## The Proposal

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

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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

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

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

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

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

## **LOCAL PLAN POLICY:**

The Sedgefield Borough Local Plan (SBLP) 1996

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

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

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

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

The County Durham Plan

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

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

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

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

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

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

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

42. *Landscape* – No objections are raised in relation to the landscape impact of the development. Officers advise that the site is not in a locally or nationally designated landscape although it is within a wider Landscape Improvement Area in the County Durham Landscape Strategy. It is noted that the site is visible from the A167, which passes immediately to the west, and from a public footpath, which passes along the eastern boundary. On the approach to Ferryhill on the A167, the southern boundary of the site would mark the village's southern limit. It is advised that the Landscape Visual Impact Assessment is considered sound and Revision D of the Illustrative Masterplan shows a scheme that is potentially acceptable in landscape terms. Design modifications would however need to be made at the reserved matters stage including the production of a tree protection plan to inform the layout, along with a fully detailed planting scheme to provide screening on the southern edge and east west through the centre of the site.
43. *Landscape (Arboriculture)* – Officers raise no objection advising that there is no significant arboricultural conflict with the proposed development. There is the potential for the loss of hedging around the site and it is likely that this would have a negative impact but the trees on the site, on the eastern and southern boundaries, should be sufficient distance from the development for any significant damage to occur and also to limit any future pressure to prune etc. It is however, recommended that should the application be approved, details of protective measures will be required pre development commencement to ensure that there is no unnecessary damage to the trees, during the construction of the internal roads on the eastern boundary of the site and the installation of the SUDS on the southern boundary.
44. *School Places and Admissions Manager* – Advise that a development of 161 houses could produce an additional 48 primary pupils and 20 additional secondary pupils. There are sufficient primary and secondary school places available to accommodate pupils from this development.
45. *Housing Delivery* – Advise that the proposed 10% affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
46. *Ecology* – Raise no objection. Officers advise that the submitted ecology assessments are sound and officers verify the conclusion that there are no protected species on site. Given the minimal mitigation proposed on site it is recommended that an offsite contribution of £32968 is sought to deliver targeted biodiversity enhancements in the area.
47. *Environmental Health and Consumer Protection (Air Quality)* – No objections are raised. No mitigation measures are required in relation to air quality following completion of the development other than the adoption of a travel plan. However it is advised that dust management plan should be adopted during the construction phase.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objection recommending a conditional approach to detail the mitigation measures indicated in the submitted noise impact assessment that would need to be

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

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

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

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

#### **PUBLIC RESPONSES:**

56. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.  
  
Objection
57. 19 letters of objection from local residents have been received in relation to the development as summarised below.

### *Principle/Sustainability of development*

- Development would be contrary to local plan policies, the starting point for the determination of planning applications.
- Objections were raised regarding the proposed allocation of the site in the County Durham Plan, these objections need addressed. Approval of this application would be premature to the resubmission of the plan.
- Brownfield sites should be prioritised, other sites are available within Ferryhill that would achieve this objective.
- The application has not demonstrated that the development would meet an unmet housing need in the area.
- Capacity of health facilities including GP's.
- Capacity of surrounding schools.
- Concerns are raised regarding the retail store and appropriateness of this element in this location.
- The need for the houses is questioned, there should be a focus on redeveloping Ferryhill rather than new builds.
- The lack of public transport links is highlighted.
- The lack of an up to date policy in relation to housing is highlighted, advising that the application should not be determined until such time there is.

### *Highways*

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

### *Residential Amenity*

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

### *Other Issues*

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

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

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

#### Support

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

#### Other representations

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

#### **APPLICANTS STATEMENT:**

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

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

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

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### The Principle of Development

#### *The Development Plan*

74. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedegfield Borough

Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.

75. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

#### *The NPPF*

76. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
77. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
78. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the CDLP are out-of-date as outlined below.
79. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield sites to meet housing need when considered in the planning balance. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

#### *Five Year Housing Land Supply*

80. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn

County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.

81. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June 2016. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:

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

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

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

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

83. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which will be identified as the OAN following consultation in the Preferred Option Stage, the Council has a relatively substantial supply of housing.

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

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

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

#### Locational Sustainability of the Site

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

providing new pedestrian connections. Footpath improvements and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.

87. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Ferryhill representing a greenfield extension. However, a distance of approximately 800m is evident to the town centre, a distance of 860m is evident to the nearest primary school. The nearest GP is located 900m away. Spennymoor and Newton Aycliffe containing secondary schools, larger shopping facilities and employment sites are located approximately 2.9 and 5 miles away respectively.
88. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highway and Transportation (CIHT "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Ferryhill is a smaller town/larger village as set out in the Council's Settlement Study 2012 acting as a localised centre containing a reasonable array of services due to its location, which are to a degree self-sustaining. In line with the now withdrawn County Durham Plan Ferryhill was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of 161 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of services provided. The walking routes into Ferryhill are also on adopted well-lit highways with no significant topographical restrictions. A proposed pedestrian crossing island across the A167 would offer increased permeability of future and existing residents.
89. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride and Spennymoor/Newton Aycliffe a 15 minute cycle ride. The nearest bus stop is located 150m from the site entrance (south bound) which has a frequent service to Durham and Newton Aycliffe while other bus services served by stops closer to the town centre connect to Spennymoor. The scheme proposes to create a north bound bus stop layby and infrastructure which would allow additional access to this service. A designated cycle way lies adjacent to the site entrance which is proposed to be incorporated in the proposed Great North Cycle Way. This would help facilitate future residents accessing services in amenities in Spennymoor and in Newton Aycliffe. However, it is highlighted by the Council's Sustainable Transport officers that there are solutions required (through highway improvements etc.) in order for the route to be full connected through the Ferryhill area and the sustainability benefits relied upon. To encourage and deliver sustainable transport options for the development a contribution of £36,200 towards cycle infrastructure is offered by the applicant, to be secured through a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended). A condition to require the appropriate upgrade to surfacing of the public right of way adjacent to the site and connections to it to be detailed in any reserved matters application is recommended in accordance with SBLP Policy L9.
90. Overall, it is considered the walking distances, improved pedestrian/cycle links and the frequency of the established bus service would give future residents alternative options to the private motor car to access to services and amenities in accordance with Paragraph 61 of the NPPF and SBLP Policy D3 is considered consistent the NPPF in this respect.

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

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

## Layout and Design

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

## Highway Safety and Access

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

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

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

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

### Residential Amenity

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

## Ecology

116. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The Site is located 1.1km to the west of The Carrs SSSI. Ferryhill Cut and Ferryhill Stell & Grassland Local Wildlife sites are located approximately 1km and 1.5km to the east of the site respectively. Mill Wood Local Wildlife site is located 2.3km to the south west of the site. An ecology survey has been submitted with the application, which notes the presence of a number of UKBAP breeding bird species being present on the site.
117. Although the application details onsite mitigation, the Ecology officer considers this insufficient to compensate for the loss of habitat and in this instance and request an offsite contribution of £32,968 to deliver targeted biodiversity enhancements in the area. Subject to this off site contribution and conditioning the delivery of other mitigation such as the controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes the Councils Ecology Officer raises no objections to the application. The development is therefore considered to conform to Part 11 of the NPPF in this respect.

## Flooding and Drainage

118. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
119. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to capture surface water in 1 and 100 year flood events to discharge at greenfield run off rates. The scheme also proposes the implementation of drainage channels and porous paving, would help restrict runoff to greenfield rate and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach once a layout in a reserved matters application is developed Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.
120. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
121. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

## Ground conditions

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

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

123. In relation to land contamination the applicant has submitted a phase 1 desk top study undertaken interactive site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 11 of the NPPF.

#### Heritage Impacts

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

#### Other Issues

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

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

#### Planning Obligations

130. SBLP Policy H19, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
131. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
132. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
133. In this instance the indicative site layout indicates that around 1.1ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £213,480 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 planning obligation.
134. The School Places and Admissions Manager advises that a development of 161 houses could generate an additional 48 primary pupils and 20 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is sufficient capacity in local

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

135. The Council's Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and is discussed later in this report.
136. No response has been received from the NHS in relation to GP capacity within existing facilities in the area.

#### Planning Balance

137. The acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits.

#### *Benefits*

138. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
139. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.
140. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
141. The development would provide a range of house types including up to 18 affordable housing units which would meet an identified short fall within the County.

#### *Adverse Impacts*

142. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
143. The development would result in a residual highway impact through additional queuing at the Thinford Roundabout. This could not be easily mitigated due to the complexities of the junction and likely costs involved. Nonetheless, it is advised that

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

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

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## **CONCLUSION**

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145. On the basis of the Council's housing land supply position and as the SBLP is silent in respect of housing land supply policies, that the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
146. It is identified that the development would result in residual landscape harm developing a greenfield site and extending built development into the countryside, result in a residual highways impact and result in the loss of 2.4ha of grade 3a agricultural land. However, due to the limited visibility in the wider landscape, mitigation proposed and as a severe highway impact would not arise and only a relatively small area of grade 3a agricultural land would be lost, for the purposes of Paragraph 14, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the SBLP.
147. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards provision of open space and sporting opportunities, the provision of affordable housing, highways mitigation, cycle improvements and off site ecology mitigation are considered necessary for the development to be considered acceptable and therefore meet the relevant tests . However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.
148. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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

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

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

and subject to the following conditions:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with policy D3 and T1 of the Sedgefield Borough Local Plan and Parts 4 and 8 of the National Planning Policy Framework.*

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

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

The agreed scheme(s) should include but not necessarily be restricted to the following:

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

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

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

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

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

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

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

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

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

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

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

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

45 dB LAmax in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

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

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

17. No development of any phase shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- A Dust Action Plan including measures to control the emission of dust and dirt during construction
  - Details of methods and means of noise reduction
  - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
  - Designation, layout and design of construction access and egress points;
  - Details for the provision of directional signage (on and off site);
  - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  - Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
  - Routing agreements for construction traffic.
  - Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  - Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

18. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.  
No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.  
No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

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

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

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

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

20. No development shall take place on any phase until a scheme of archaeological work in accordance with a written scheme of investigation for that phase has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii; Post-fieldwork methodologies for assessment and analyses.
  - iv; Report content and arrangements for dissemination, and publication proposals.
  - v; Archive preparation and deposition with recognised repositories.
  - vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

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

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

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

#### **Pre-Commencement**

- (a) a Phase 2 Site Investigation and Risk Assessment shall be carried out for any phase before any development commences on that phase to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out for that phase. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

#### **Completion**

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

## **BACKGROUND PAPERS**

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

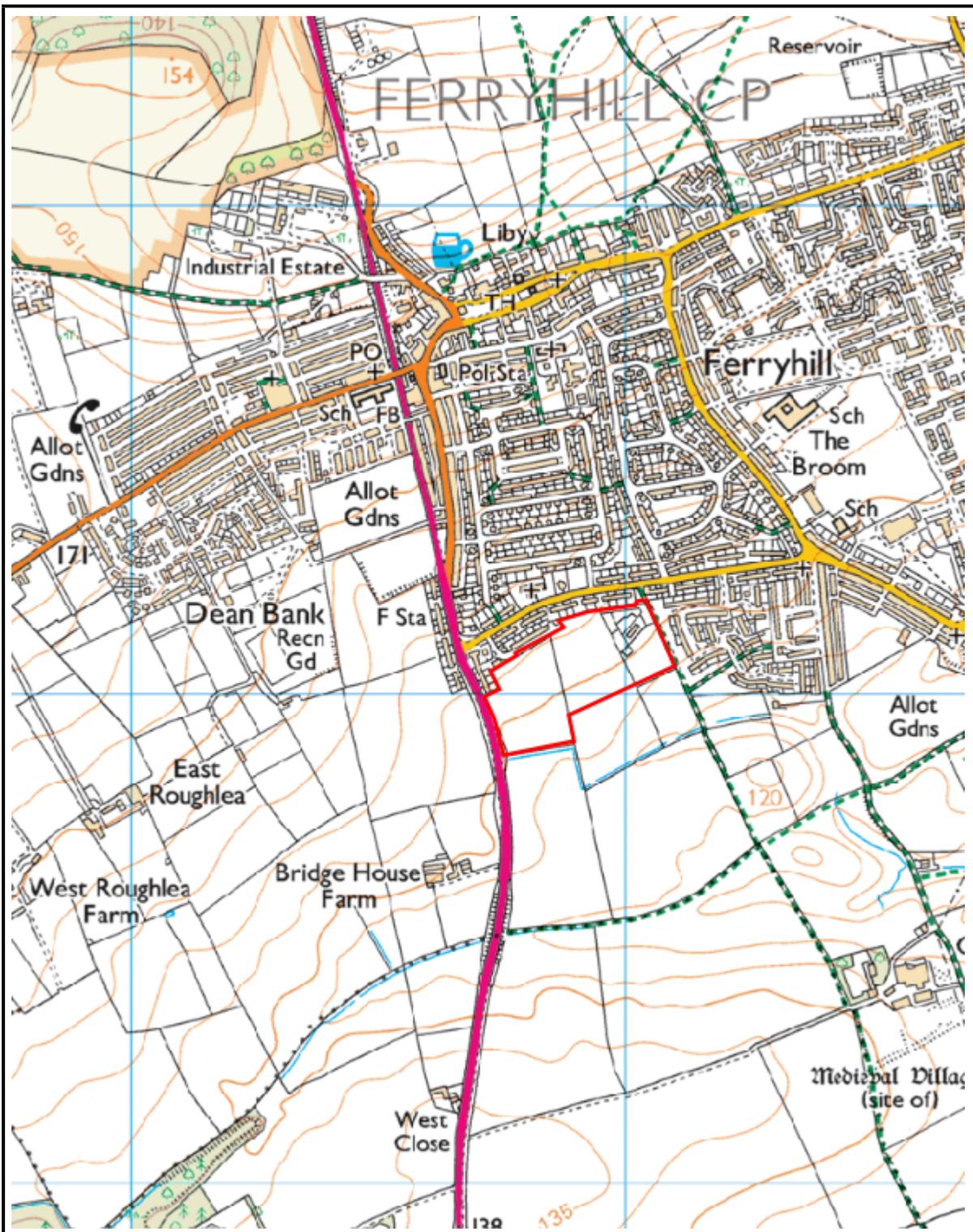
Sedgefield Borough Local Plan

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



**Durham**  
County Council

**Planning**

**Services**

DM/16/02426/OUT

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

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**Comments**

**Date** July 2017

**Scale** Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** DM/17/01322/RM

**FULL APPLICATION DESCRIPTION:** Application for reserved matters (appearance, landscaping, layout and scale) for the erection of 197 dwellings and associated works pursuant to planning permission DM/15/03808/OUT)

**NAME OF APPLICANT:** Taylor Wimpey

**ADDRESS:** Land to the south of Eden Drive, Sedgefield

**ELECTORAL DIVISION:** Sedgefield

**CASE OFFICER:** Henry Jones, Senior Planning Officer,  
03000 263960, [henry.jones@durham.gov.uk](mailto:henry.jones@durham.gov.uk)

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises of 14.3 hectares (ha) of agricultural land located to the south and east of the built-up area of Sedgefield. The site is bordered to the east by Stockton Road, stables and associated agricultural land. To the south the site borders the A689 dual carriageway and associated roundabout, scrub and wooded land with one watercourse running on the site boundary and a further watercourse just beyond the site farther south. The application site borders Thurlow Road, Eden Drive and associated properties to the north whilst the west of the application site borders the rear of properties on The Meadows. The site is gently undulating with the land generally rising from the south to the north.
2. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site. Ceddesfeld Hall Gardens, a registered historic park and garden immediately abuts the application site to the north and Sedgefield Conservation Area is located approximately 10m to the north of the application site. Within the Conservation Area are a number of listed buildings with those of most relevance to the application being Ceddesfield Hall (Grade II listed) and Church of St Edmund (Grade I listed). The site is designated under the Sedgefield Borough Local Plan (SLP) as "Green Wedge" land. Public Footpath No. 16 (Sedgefield) crosses through the centre of the site on a south-east to north-west axis.

## The Proposal

3. This application seeks approval for the reserved matters (appearance, landscaping, layout and scale) pursuant to the outline element of planning permission DM/15/03808/OUT which approved, on appeal, up to 220 dwellings on 9.9 ha of land forming the northern and western sections of the overall site. Application No. DM/15/03808/OUT was a hybrid planning application with full planning permission also having been granted on the more southerly sections of the site of approximately 4.4ha of land for the erection of 80 dwellings. This reserved matters application is submitted by Taylor Wimpey, the 80 dwellings approved adjacent are to be developed by Storey Homes.
4. Vehicular access and egress of the site was included as a detailed matter under approved application DM/15/03808/OUT. The access arrangements involve an access off Stockton Road itself with a new priority junction with ghost island right turn lane and the formation of a new arm at the roundabout on the A689.
5. The outline planning permission permits up to 220 dwellings on this section of the site, however, the reserved matters proposes 197 dwellings. These are a mix of 2, 3 and 4 bed properties including the provision of 7 bungalows. The dwellings would be faced with red brick with painted render elements with a mixture of grey and red roofing materials. The submitted layout includes a large area of public open space in the far north adjacent to Hodgmore Hill. Sustainable urban drainage (SuDS) attenuation is indicated within the layout with a large area reserved in the south of the site.
6. Pedestrian links through the development are proposed including a diverted route of Public Footpath No. 16 (Sedgefield) which crosses through the centre and two further connection points onto Eden Drive.
7. A key consideration of the development at the outline stage was the formation of viewing corridors within the layout towards the Grade I listed Church of St Edmund. Three such viewing corridors are provided within the layout.
8. The application is being reported to the County Planning Committee following a request by the Electoral Division Member.

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## **PLANNING HISTORY**

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9. The planning permission to which these reserved matters relate gained permission at appeal in October 2016 (application reference DM/15/03808/OUT and appeal reference APP/X1355/W/16/3150609). The development comprises of planning permission in outline with all matters reserved except access for the erection of up to 220 dwellings and planning permission in detail/full for a further 80 dwellings.
10. Application DM/15/03808/OUT was an amalgamation and resubmission of two applications refused by the Council in July 2015, one in outline for up to 230 dwellings (DM/14/00263/OUT) and the other a detailed planning permission for 85 dwellings (DM/14/00261/FPA).
11. Though not relating to the application site there is considerable recent history of planning applications and appeals within Sedgefield and the key history is detailed below.

12. A public inquiry was held between 27 June and 4 July 2017 in relation to an outline planning application for the erection of up to 150 dwellings on land to the south of Beacon Lane and east of Stockton Road. The decision of the Planning Inspector is awaited (application reference DM/15/02626/OUT and appeal reference APP/X1355/W/16/3155717).
13. A public inquiry was held between 6 and 14 June 2017 in relation to an outline planning application for the erection of up to 100 dwellings on land at the former Sedgefield Community Hospital, Salters Lane, Sedgefield. The decision of the Planning Inspector is awaited (application reference DM/16/01522/OUT and appeal reference APP/X1355/W/16/3163598).
14. Outline planning permission was refused in May 2015 for the erection of 34 dwellings on land south of Beacon Avenue, Beacon Lane, Sedgefield (“the three cornered field”) and an appeal dismissed in February 2016 (application reference DM/14/02318/OUT and appeal reference APP/X1355/W/15/3134870). A subsequent resubmission of the proposals (DM/16/01450/OUT) was refused by the Council in November 2016.
15. In July 2016 planning permission was refused for an outline application for the erection of a 63 bed care home, 58 bed assisted living complex, community and youth facility, business enterprise unit, 3000m<sup>2</sup> of general industrial/storage and distribution use and 371 dwellings including 72 self-build units (DM/14/01586/OUT) on land to the east of Sedgefield Community College, to the north and south of Butterwick Road,. An appeal has been lodged (APP/X1355/W/16/3155926) though a date is not yet set for the inquiry.
16. In February 2009 an application for the erection of 330 static caravans (7/2008/0589/DM) was granted planning permission on land to the west of Hardwick Park and north of the A689.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

17. 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’.
18. 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.
19. *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.

20. *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.
21. *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. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
22. *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.
23. *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.
24. *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.
25. *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.
26. *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>

27. 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;; conserving and enhancing the historic environment; design; flood risk; health and well-being; light pollution; natural environment;; open space, sports and recreation facilities, public rights of way and local green space; and use of planning conditions.

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

## **LOCAL PLAN POLICY:**

### Sedgefield Borough Local Plan (SBLP)

28. *Policy E1 – Maintenance of Landscape Character.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
29. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
30. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
31. *Policy E18 – Preservation and Enhancement of Conservation Areas.* Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
32. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
33. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
34. *Policy T2 – Public Transport.* States that the Council will seek to encourage improvements to assist public transport services.
35. *Policy L1 - Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.

36. *Policy L2 - Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
37. *Policy L10 – Recreational Routes.* This policy seeks to protect and maintain existing major recreation routes.
38. *Policy D1 - General Principles for the Layout and Design of New Developments.* Sets out that 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.
39. *Policy D2 – Design for People.* Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
40. *Policy D3 - Design for Access.* Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
41. *Policy D5 – Layout of Housing Development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

#### **EMERGING PLAN:**

##### County Durham Plan

42. 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.

##### Sedgefield Neighbourhood Plan (The Sedgefield Plan)

43. In September 2013, Sedgefield Town Council was granted approval for the designation of a Neighbourhood Area having regard to the Neighbourhood Planning (General) Regulations 2012. A Neighbourhood Plan was submitted to the County Council and the submission consultation was completed on 29th March 2016. The examination report has been delivered and it recommends deleting many of the policies in the plan, including the settlement boundary policy and references to a housing ceiling of 300 units.
44. Work on a revised Neighbourhood Plan has resulted in a further document being submitted to the County Council in February 2017. However, the Council considers that this document has not been subject to public consultation, does not form a published emerging plan, and can therefore carry no weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

45. *Sedgefield Town Council* – Request clarity on the precise route of the diverted public right of way within the development. The Town Council request clarity on who will police and maintain the proposed emergency vehicle access. It is stated that the 10% affordable housing provision should equate to 20 units rather than the 19 proposed and concern is expressed at their proposed location, in accessibility terms, farthest from the main road.
46. *Highway Authority* – Raise no objections. Earlier renditions of the layout were objected to with unacceptable design considered to be proposed in relation to various elements including; the centre line radius of the main link road; some hard surfacing design; the absence of a traffic calming pinch point; sections of carriageway width; approach to some visitor parking distribution and number of individual access drives on the main link road. However, an amended layout has addressed all previously identified areas of concern and the development is considered acceptable.
47. *Drainage and Coastal Protection* – Raise no objections. Originally objections to the development on the grounds of inadequate information were raised. However, following further discussions with the applicant it is considered that a final scheme of surface water disposal can be adequately devised.

### **INTERNAL CONSULTEE RESPONSES:**

48. *Landscape* – Raise no overall objections though some matters are identified which should be addressed. The footpath link proposed to be provided to Eden Drive in the vicinity of plots 86 and 77 should extend over the road verge beyond the site boundary. The 0.8m high fence between gardens is considered inadequate and should be heightened. A landscape management strategy should be devised. The row of trees north of the main access road should be a single species, not three, and *Alnus glutinosa* should not be one of them.
49. *Arboriculture* – Raise no objections to the submitted Arboricultural Impact Assessment, however, it is recommended that protective fencing is extended on the northern section of the site to avoid accidental damage and material storage in root areas. A significant amount of hedgerow removal would occur with some adverse amenity and ecological impacts. Tree no. 111 should be sought for retention.
50. *Design and Conservation* – No formal comments have been received. However, discussions have been held with officers regarding the development. Concerns have been expressed with the proposed housetypes and whether these exhibited design of enough quality, with reference to local distinctiveness and indeed the need to ensure a cohesive approach with the Storey Homes development.
51. *Ecology* – Raise no objections. Originally submitted comments stated that a number of trees on site have suitable features for bats. Whilst activity surveys were undertaken in 2013 and did not reveal any existing roosts there is a risk that roosts are present now. Trees with deemed high risk of potentially including bat roosts

appear to be affected by the development. As a result a method statement and/or checking surveys for bats were requested. Such a method statement has been submitted and Ecology has confirmed that it is acceptable.

52. *Access and Rights of Way* – Raise no objections. The originally submitted layout proposed a diversion of the public right of way (Footpath No. 16 (Sedgefield)) which was unacceptably long and circuitous. However, this has been amended and is more acceptable. Officers advise that the applicant should discuss the separate, necessary diversion of the footpath under Section 257 of the Town and Country Planning Act 1990 with Access and Rights of Way. Merit is also seen in the suggestion by Landscape of surfacing a footpath link to Eden Drive across grass verge though they would expect that this path would be adopted.

#### **NON STATUTORY RESPONSES**

53. *Durham Constabulary Architectural Liaison Officer* – Raise no objections to the overall layout. The re-routing of the public right of way should be well overlooked and it is requested that it is adopted so as to ensure it is well lit and maintained

#### **PUBLIC RESPONSES:**

54. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. A total of 9 letters of objection have been received. It is noted that the objections of one resident are submitted via the office of Phil Wilson MP.

Objection

##### *Principle of the development*

- Objection to yet another large residential development proposed in Sedgefield on land adjacent to a scheme for 300 dwellings which was just approved
- Brownfield land should be development before green wedges/greenbelt land
- Concerns expressed over infrastructure capacity with school and GP surgery capacity referenced
- The proposal does not accord with the Neighbourhood Plan
- Neighbouring villages would benefit from regenerative aspect of new homes and the development should occur there

##### *Visual, Landscape and heritage Impacts*

- Loss of green wedge land and its contribution to the local environment
- Ruining the character of Sedgefield and the village feel
- Inadequate open space and amenity land is being retained within the estate
- The development will detract from views of the Church of St Edmund
- Inadequate detail on precise boundary works with specific reference made as to what will occur on the boundary between proposed plots 131 and 132 and 90, 92 and 94 The Meadows in respects to enclosure erection and tree and hedgerow loss
- Inadequate landscaping details submitted in regards to works on the western side of the development for instance borders and walkways

## *Highways Issues*

- Concerns over parking congestion and that residents will not walk to the village centre which has been suggested
- Traffic will increase on the highway network
- Access arrangements are described as dangerous
- The proposed re-routing of the public right of way is convoluted
- Driveways from the proposed development should not gain access directly from the main road
- Visitors will park on the main road through the development and causing backing up of traffic
- No parking of commercial vehicles should be permitted within the development

## *Flood Risk*

- The fields regularly flood and surface water drains cannot cope with current rainfall. Increasing impermeable surfaces will make this situation worse and the drainage details within the application are inadequate.
- Concern drainage measures are unconvincing

## *Ecology*

- Trees and hedgerows will be removed with harmful impacts upon wildlife

## *Residential Amenity*

- Increase in traffic will impact upon noise and air pollution
- Construction activities will cause noise
- Inadequate screening of the development for residents with overlooking occurring
- Request for details of the start date of the development and details of what measures will be taken to reduce construction disturbances
- Objection raised to the provision of the main road into Sedgefield coming via the estate with objections raised to the potential for children playing in open spaces adjacent

## *Other Issues*

- Confirmation is sought that properties will receive the same water pressure levels and concerns general raised over impacts on the water network
- Loss of recreational space including land popular with dogwalkers
- Inadequate public consultation by the applicant with only one event being held
- Concerns raised over impacts upon property values
- 20 affordable units should be provided not 19 and it should not be grouped together in one areas creating a “ghetto”
- A number of documents referred to in the submitted planning statement are not available on the website

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*  
<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

## APPLICANTS STATEMENT:

55. Taylor Wimpey North East has submitted this reserved matters planning application in general conformity with the outline planning permission reference number DM/15/03808/OUT, which was approved at planning appeal (appeal reference APP/X1355/W/16/3150609).
56. The proposal takes full account of the site's features, its setting and connections to its surroundings and has been shaped by the design principles, established as part of the approved hybrid planning permission. In preparing this application, Taylor Wimpey has been informed by engagement with the local community and council officers.
57. The planning layout is presented together with a number of street scene images. This reserved matters planning application will deliver;
- 197no new homes incorporating a variety of house types including terraced, semi-detached and detached properties and bungalows. The proposed housing includes a range of 1 to 2.5 storey houses, in response to the broad housing needs and aspirations for the locality.
  - The proposal includes 10% affordable homes on-site, including the provision of bungalows. The Affordable Housing element will provide a mix of Affordable Rent properties which will be managed by a Registered Affordable Housing Provider and Discount from Open Market Value dwellings, which will be sold at an agreed discount by Taylor Wimpey to eligible occupiers. The Affordable Housing will deliver a range of affordable homes to households which cannot meet their needs on the open market.
  - The proposal allows for the retention of existing green infrastructure to create an attractive and mature landscape setting;
  - The proposal provides enhanced accessibility, including a new site access off Stockton Road, a link through to the adjacent Story Homes site which provides a new access junction at the A689 / A177 round about and a realigned Public Right of Way maintaining pedestrian access through the site;
  - Provision of Sustainable Urban Drainage Systems (SUDS) to ensure effective management of surface water, reduce flood risk, whilst contributing to a high quality environment; and
  - Vistas to retain views of key landmarks through the site, in particular of St. Edmund's Church.
58. The site is a demonstrably sustainable location for residential development. It is positioned within a 5-10 minute walk of the centre of Sedgefield which hosts a wide range of shops and facilities. The site is also conveniently located in close proximity to a number of educational, recreational and community facilities.
59. The proposal will provide a number of off-site financial contributions secured via the s.106 agreement which was approved and signed as part of the outline planning application, this includes;
- Education Contribution
  - Community Contribution
  - Sports Facilities Contribution

60. In summary the proposal aims to provide a high quality housing development delivering a range of family homes and affordable homes that will assist in meeting housing need within Sedgefield. The development will provide an attractive and desirable living environment that aims to improve both pedestrian and vehicular accessibility. In addition, the proposal has a number of important economic benefits including the provision of employment opportunities whilst offering the potential to support and improve the economy of Sedgefield through new household creation.
61. Taylor Wimpey North East therefore requests that the application is viewed favourably at planning committee, in the context of the previously approved outlined planning application and the benefits highlighted above and looks forward to delivering this important development site.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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62. In October 2016 and following public inquiry, planning permission was granted in outline with all matters reserved except access for the erection of up to 220 dwellings and planning permission in detail/full for a further 80 dwellings. On this basis, and in granting permission, it was established that in respects to the outline element of the site that the principle that the site could be redeveloped for residential purposes for up to 220 dwellings was acceptable as indeed were the access arrangements into the site. The permission was subject to a number of conditions including the requirement for the submission of the subsequent reserved matters. These reserved matters pursuant to the outline planning permission are for consideration under this report, and deal with matters related to layout, scale, appearance, and landscaping. These are therefore the main issues for consideration.

### Layout

63. This reserved matters application proposes 197 dwellings which is below the maximum 220 dwellings limit established by the outline planning permission. As submitted the application proposed 196 dwellings but during the course of the application it was increased to 197 and this elaborated upon below.
64. Condition 4 of Planning Permission DM/15/03808/OUT requires that the outline element of the development comply with a number of parameter plans and other documents/reports including a design code. Key elements of the design code include; that the width of the link road and associated footpaths are consistent throughout the whole development site, a hierarchy of streets within the development is established and retention of viewing corridors to the Grade I Listed Church of St Edmund.
65. In allowing the appeal and granting planning permission for the development the Inspector considered that no harm would occur to the setting of Sedgefield Conservation Area or the Church of St Edmund.
66. The proposed layout includes the maintenance of a main viewing corridor across the open space in the north of the site from the link road through the site. Two further viewing corridors are proposed on a north-south axis in the west of the site. The layout is therefore considered to maintain those important views through the development towards the Church of St Edmund.

67. In the north of the site, where it lies adjacent to the registered Ceddesfeld Hall Gardens, a large area of open space is incorporated, in part so as to respect the setting of the registered gardens. A footpath is proposed running from the edge of Hodgmore Hill to reinstate a relic tree lined walk which is welcomed.
68. The submitted layout complies with other key requirements of the established outline consent parameters. Primary vehicular circulation within the layout follows the principles of a main north-south link road axis between Stockton Road and the A689 roundabout and east-west routes to the west of this.
69. The parameter plans established that focal points and landmarks should be proposed located within the layout. The application has sought to address this requirement within the layout through the placement and grouping together of the larger and more imposing dwellings at junction points and at key public locations such as the Wilton at plot 13, Lavenham at plot 34 and Eynsham at plot 12.
70. The approved design code from the outline application sought to encourage connectivity and pedestrian permeability through the development.
71. Public Footpath No. 16 (Sedgefield) requires diversion as a result of the development. The originally submitted layout proposed a convoluted route through the site which was met by concern from both Access and Rights of Way and public responses. The amended layout plans propose a simplified diversion with the proposed route following the line of the main link road before heading west in front of plots 33 and 194 and then heading north to emerge at Eden Drive in the same location as at present. This route closely follows that suggested in the parameter plans approved at the outline stage. Access and Rights of Way have raised no objections to the route though remind the applicant of the need for a separate necessary diversion of the footpath under Section 257 of the Town and Country Planning Act 1990. Public Footpath No. 16 forms part of the designated recreational route under SBLP Policy L10 and the proposed retention albeit diverted route of the public footpath would accord with the aim of that policy to maintain the recreational route.
72. Additional pedestrian links are proposed onto Stockton Road, south into the adjacent Storey Homes site, north to the junction of Eden Drive and Thurlow Road and in the west to Eden Drive.
73. The design code sought to ensure that the width of the link road and associated footpaths are consistent on both sides and the proposed layout shows consistency in this regard.
74. SLP Policy D1 requires new development to take into account the relationship to adjacent land uses and activities and SDLP Policy D5 requires housing layouts to make provision for adequate amenity and privacy and the related supplementary planning practice guidance note provides separation distance recommendations as guidance to ensure this.
75. With regards to the relationship between the layout of the proposed dwellings and neighbouring dwellings, many existing properties on Eden Drive and Thurlow Road are separated from the application site by a carriageway and landscape features. It is considered that adequate separation between existing and proposed properties can comfortably be provided. A closer and more intimate relationship does occur where properties at The Meadows flank the site to the west and where terraced properties numbered 1-23 (odd numbers only) Thurlow Road flank the northern boundary of the site close to the junction with Stockton Road.

76. However, separation distances between the main facing elevations of the proposed dwellings and the properties at 1-23 (odd numbers only) Thurlow Road are in excess of 40m. This is considered acceptable and would ensure adequate privacy, outlook and light for those existing properties.
77. In the west of the site separation distances between the rear elevations of the proposed dwellings and flanking properties at The Meadows are in general in excess of 25m and landscaping features provide screening. At the most intimate point where no. 30 The Meadows projects out closest to the application site, a separation distance of 22m would remain to the proposed plot 134 dwelling and this is considered acceptable.
78. Equally the separation distances involved, orientation of properties and siting of main habitable room windows within the development is such that prospective occupiers of the dwellings within both this phase of the development and similarly at the adjacent Storey Homes phase of the development would also be provided with adequate privacy, outlook and light.
79. Highways related objections and concerns are expressed within the public responses to the application. It is important to highlight that planning permission DM/15/03808/OUT granted on appeal established both the southern access arm off the A689 roundabout and the access point at Stockton Road. The principle of the access arrangements and a road link between has been previously accepted. In turn the main highways implications of the development in regards for instance volume of traffic, junction capacity and implications on the local highway network and parking provision has all previously been accepted by the Planning Inspector.
80. Access arrangements through the residential estate are considered safe. In respects to any highways related layout matters, the Highway Authority raise no objections. Earlier renditions of the layout were objected to with unacceptable design considered to be proposed in relation to various elements including; the centre line radius of the main link road; some hard surfacing design; the absence of a traffic calming pinch point; sections of carriageway width; and approach to some visitor parking distribution. In addition significant numbers of individual dwellings were previously to gain access directly onto the link road through the site. However, an amended layout has addressed all previously identified areas of concern including ensuring that groupings of dwellings gain access to the link road via private shared drive. The development is considered acceptable in regards to highways related matters.
81. The Town Council has requested clarity on who will police and maintain the proposed emergency vehicle access. Though an emergency vehicular access was indicatively shown in submissions at the outline stage it is not necessary to make the development acceptable taking into account access arrangements proposed to Stockton Road and the A689 and no additional emergency access is now proposed.
82. The S106 legal agreement requires that 10% affordable housing is provided on the outline section of the site. A 10% provision of the scheme as submitted equates to 19.6 units and appropriately rounded up this is indeed 20 units. As a result during the course of the application the applicant has revised the layout so as to include a further affordable home making a total of 20 affordable units within a layout comprising of 197 units. It is noted that the affordable units are generally grouped together in the western sections of the application and requests were made that the applicant re-distribute these. The re-distribution of the affordable dwellings has not been undertaken by the applicant and it is stated that this is in part due to future affordable housing providers/registered social landlords having a preference for

dwellings being grouped which makes their management functions easier to undertake. Ultimately, it is considered that the distribution of the affordable units within the layout is not a reason to refuse the application.

83. The agreed planning obligation under S106 of the Town and Country Planning Act 1990 requires that 10% affordable housing is provided on the outline section of the site. A 10% provision of the scheme as submitted equates to 19.6 units and appropriately rounded up this is indeed 20 units. As a result during the course of the application the applicant has revised the layout so as to include a further affordable home making a total of 20 affordable units within a layout comprising of 197 units.
84. The layout of the development is considered compliant with SBLP Policies E18, H19, T1, T2, D1, D2, D3 and D5 and Parts 4, 6, 7, 8 and 12 of the NPPF. These SBLP Policies are considered either fully (E18, T1, D1, D2, D3) or partially (H19, T2 and D5).

#### Scale

85. A key objective of the approved design code was that all dwellings should be between one and two and a half storeys in height.
86. All dwellings adhere to the requirement of being either bungalows, two storey or two and half storeys.
87. Such a scale of development is considered appropriate within an edge of settlement location and commensurate with residential estates in Sedgefield. The Wilton housetype is the only two and a half storey dwelling proposed within the development of which only 14 are proposed.
88. None of the proposed housetypes are considered of unacceptable scale which would create any harmful or incongruous impact. The scale of the proposed dwellings is therefore considered acceptable and compliant with the relevant elements of SBLP Policies D1 and D5 and having regards to Part 7 of the NPPF.

#### Appearance

89. Design and Conservation officers have conveyed some concern with regards to whether the design of the proposed dwellings of a high enough quality.
90. The housetypes proposed, whilst generally of standardised approach are considered to be appropriately designed and importantly the range of housetypes proposed have a commonality in design vernacular and would create a development with a distinctive character. More prominent housetypes of a more distinctive vernacular have appropriately been located on the main link road.
91. Again though the Taylor Wimpey housetypes do differ from the adjacent Storey Homes dwellings there is some commonality between them so as to ensure cohesion in the vernacular. Examples include the use of head and sill details to windows, similarity in approach to some porch design and design approach to feature gable ends.
92. A key objective of the approved design code was the need for a high quality palette of materials to be used. A materials layout proposes the use of two types of red brick, use of render and a mixture of grey slate type and red pantile type roofing materials. Such an approach is considered appropriate to Sedgefield and is reflective of its local character. However, samples have not been provided and so as

to ensure that the final choice of materials are appropriate and amongst other matters compliment those on the adjacent Storey Homes site it is considered that a condition would be necessary to view and agree the final material choices.

93. Furthermore the transition between the Taylor Wimpey site and the Storey Homes site is at a point where a feature hedgerow is being retained and the proposed plot 31 Wilton housetype projects forward. This would help in marking a clear transition point between the sections of the site and establish a change in character area in the development as a whole.
94. Overall, the appearance of the dwellings proposed and development as a whole is considered acceptable and compliant with the relevant sections of SBLP Policies D1 and D5 and Part 7 of the NPPF.

## Landscaping

95. The submitted layout and landscaping proposal plans establish the key locations of the main areas of open space and landscaping retention. Most notably this includes the provision of the large open space in the north of the site adjacent to Hodgmore Hill, landscaping on the southern edge of the development adjacent to the A689, retention of hedgerow on the east-west axis at the transition point between this site and the adjacent Storey Homes site, retention of hedge and green corridor on a north-south axis from plot 78 in the north to 177 in the south. Tree planting in areas adjacent to the main link road are also proposed in the landscape submissions. These features align with the objectives established under the submitted parameter plans. It should be noted that in addition to the on-site open space provision proposed, the planning obligation under S106 associated with the planning permission also requires contributions towards off-site improvements to be made.
96. Within the parameter plans the location of SuDS features are indicated. The final surface water disposal measures (which would incorporate SuDS) require agreement under the discharge of Condition 16 of the planning permission and are not sought for approval at this stage. However, the submitted layout presents key elements of the SuDS design with a main attenuation feature shown adjacent to the southern boundary of the site and a swale within the green corridor running between plots 78 and 177. These features accord with the principles established within the parameter plans. It is noted that public objections are raised on the grounds of flood risk and drainage, however, the principle of the development has been established and final drainage solutions are to be resolved under the condition. Drainage and Coastal Protection officers raise no objections.
97. Landscape officers have considered the proposals submitted and raise no overall objections though some matters of detail are identified which they advise should be addressed. This included that the footpath link proposed to be provided to Eden Drive in the vicinity of plots 86 and 77 should extend over the road verge beyond the site boundary. The applicant has amended the plans to show such a link but it should be noted that they do not own this highway verge but the Council. As the Council owns the verge then potentially this route across the verge can be provided. However, even if this did not occur, a desire line across the verge would be provided and other routes such as the public right of way connection exist to Eden Drive and connectivity throughout the site (as discussed in the layout section of this report) is considered acceptable.
98. Landscape officers request that a 0.8m high fence between gardens be heightened. The applicant has confirmed that this will be undertaken and the layout plan amended accordingly. Irrespective of this it is considered that a condition is

necessary to agree final works with regards to enclosure boundaries. Landscape consider that a management strategy should for the landscaping provided be devised and the row of trees north of the main access road should be a single species, not three, and that one species be replaced.

99. Though detailed landscaping proposal plans have been submitted, these have not been updated during the course of the application to reflect final amendments to the layout. Coupled with the request of Landscape officers it is considered that a condition to cover the final elements of the landscape proposals can be attached to any approval.
100. A specific public query is raised with regard to what works are proposed at the boundary of The Meadows and the proposed plots 131 and 132. A large ash tree (T116) and a section of a grouping of trees (group 8) are partly located on this boundary. The submitted tree report confirms that the ash tree and the tree group are to be retained and protected from the development works with no works necessary to the tree or grouping to facilitate the development. With regards to means of enclosures, whilst the details of many of these within the development plots are clearly illustrated it is less clear what is precisely occurring on the site boundaries and whether existing fences are proposed for retention or removal. Therefore a condition is considered necessary to resolve this.
101. In addition to the proposed landscaping elements of the development there is a requirement for some tree and hedge removals and other works which was clear at the outline stage. These are presented in detail within the Arboricultural Impact Assessment and Arboricultural Method Statement which recommend that a total of 13 individual trees removal and some removal of sections of hedgerow and sections of tree group 8.
102. Arboriculture officers raise no objections to the report submissions however, it is recommended that protective fencing is extended on the northern section of the site to avoid accidental damage and material storage in root areas. Furthermore, the arboricultural impact assessment tree protection plans have not been updated to reflect the most up to date layout for the development and as a result it is considered a condition should agree final tree protection measures. Arboriculture officers have requested that tree no. 111 be sought for retention. However, it is located at the point of the approved access junction with Stockton Road and therefore conflicts with the approved access arrangements.
103. Subject to condition the landscaping proposals and implications of the development and provision of open spaces are considered acceptable and compliant with relevant elements of SBLP Policies E1, E15, L1, L2, D1 and D5 and Parts 8 and 11 of the NPPF. These policies are considered either fully (E1, E15 and D1) or partially (L1, L2 and D5) consistent with the NPPF and can be afforded weight in the decision making process.

#### Other Issues

104. Much of the public opposition to the development relate to planning matters which were matters for consideration at the outline stage. These include the principle of the development on designated Green Wedge, loss of recreational land, impacts on services and infrastructure (including schools, surgeries, water supplies) and considered conflict with the Sedgefield Plan. Taking account such factors the Planning Inspectorate considered that the development was acceptable and granted planning permission. Only matters pursuant to the reserved matters of the scheme can be considered under this application.

105. Some public objections appear to consider that this proposal is an additional housing scheme in addition to the 300 dwellings approved Eden Drive but it is just the reserved matters pursuant to the same application.
106. Public objection considers that inadequate public consultation has been undertaken by the applicant with only one event being held. However, the holding of a single consultation event in regards to a development is not unusual and furthermore pre-application public consultation is not a mandatory requirement.
107. Public objections are raised regarding residential amenity matters pursuant to noise, air pollution and noisy construction activities. The principle of the development and the impacts of the associated works and movements were considered under the outline planning permission and indeed related matters were specifically referred within the Inspectors decision.
108. Concerns are expressed over the potential impacts of the development upon property values, however, this is not a material planning consideration.
109. In addition concerns are expressed that a number of documents referred to in the submitted planning statement are not available on the website. Documents pursuant to the reserved matters application have been placed on the website. Other documents pursuant to the outline planning permission remain on that file which are also available online.
110. Public responses raised concern with regards to the potential impacts of works to trees upon wildlife. Ecology officers originally expressed concerns with regards to potential impacts upon bats as a result of works to trees of high risk for bat roosts. However, during the course of the application an additional method statement has been submitted which Ecology have reviewed as being acceptable. This method statement details that survey work on the high risk trees subject to works has been undertaken which found no evidence of roosting bats but that it is recommended that a final checking survey is undertaken before felling of the tree. This method statement can be conditioned on any approval. As no impacts upon any European Protected Species (EPS) are considered to result from the development there is no requirement to assess the likelihood of a EPS license being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012). No objections are raised on ecological grounds and the development is considered compliant with SBLP Policy E11 and Part 11 of the NPPF in this regard. Policy E11 is considered fully consistent with the NPPF and can be attributed weight in the decision making process.

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## **CONCLUSION**

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111. On appeal in October 2016 planning permission was granted in outline with all matters reserved except access for the erection of up to 220 dwellings and planning permission in detail/full for a further 80 dwellings. On this basis, and in granting permission, it was established that in respects to the outline element of the site that the principle that the site could be redeveloped for residential purposes for up to 220 dwellings was acceptable as indeed were the access arrangements into the site. The views of objectors have been considered however, only matters pursuant to the reserved matters to that outline planning permission are for consideration under this application those matters being layout, scale, appearance, and landscaping.

112. The proposals have been assessed and are considered acceptable in regards to those reserved matters when assessed against relevant SBLP Policies, relevant sections of the NPPF and other material planning considerations including the consultation responses received. Consideration has been given to the parameter plans and design code which established principles which the outline element of the development should adhere to and the proposals are found to be in general conformity with those established principles. Overall, it is considered that within the context of the site, the proposals are considered to be appropriate and are therefore recommended for approval accordingly.

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## RECOMMENDATION

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

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

Plans:

Planning Layout 1N/SEDGE/SK-01 Rev P  
Diverted PROW and Diverted PROW and New Footpath Links 1N/SEDGE/SK-12  
Rev A  
Wilton PB52/6/PL2 A\_B  
Wilton PB52/6/PL3 B  
Whitford PA411/7/PL2\_A  
Whitford PA411/7/PL3\_A  
Midford PA44/7/PL1 A  
Midford P44/7/PL2\_A  
Midford PA44/7/PL3\_A  
Lavenham PD51/7/PL2\_A  
Lavenham PD51/7/PL3\_A  
Haddenham PD411/7/PL3\_A  
Haddenham PD411/7/PL2\_A  
Haddenham PD411/7/PL1A\_A  
Gosford PA34/7/PL1\_A  
Gosford PA34/7/PL2\_A  
Gosford PA34/7/PL3\_A  
Flatford PA33/7/PL1\_A  
Flatford PA33/7/PL3-  
Flatford PA33/7/PL2-  
Eynsham PD410/7/PL1A\_A  
Eynsham PD410/7/PL3\_A  
Eynsham PD410/7/PL2\_A  
Downham PD49/7/PL3\_A  
Downham PD49/7/PL2\_A  
Dadford PA30/7/PL2\_A  
Bungalow BUN/6/PL2\_A  
Aldenham PD32/7/PL3\_A  
Aldenham PD32/7/PL2\_A  
AA22 AA22/6/PL2\_A  
Garages/PL1  
Garages/PL2

Documents:

Bat Tree Inspection 4643 Tree R01 by E3 Ecology Ltd  
Arboricultural Method Statement Revision D by All About Trees  
Arboricultural Impact Assessment Revision D by All About Trees

*Reason: To define the consent and ensure that a satisfactory form of development is obtained having regard to Sedgefield Borough Local Plan Policies E1, E11, E15, E18, H19, T1, T2, L1, L2, L10, D1, D2, D3 and D5.*

2. Tree retention, tree removal and other tree works shall adhere to the schedule contained within Appendix 1 of the Arboricultural Method Statement Revision D by All About Trees and the Arboricultural Impact Assessment Revision D by All About Trees. No development work shall take place nor any site cabins, materials or machinery be brought on site until all trees and hedges agreed for retention, are protected by the erection of fencing 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 and in accordance with a tree protection plan which has been first submitted to and approved in writing by the Local Planning Authority. 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 E1, E15, D1 and D5 of the Sedgefield 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.*

3. Prior to the commencement of works on the erection of any dwelling a detailed landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths;
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- A landscape management strategy for the long term management and maintenance of the landscape/open space areas

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

The approved landscaping scheme shall be fully implemented within the first available planting season following the completion of the development.

*Reason: In the interests of the visual amenity of the area having regards to Policies E1, E15, D1, D5 of the Sedgefield Local Plan and having regard to Parts 7 and 11 of the National Planning Policy Framework.*

4. Notwithstanding any details of materials submitted with the planning application, no development shall commence on the erection of the dwellings until full details and samples of external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area having regards to Policies D1 and D5 of the Sedgefield Local Plan and Part 7 National Planning Policy Framework.*

5. Notwithstanding any details of means of enclosure submitted with the planning application, no development shall commence on the erection of the dwellings until full details of the location, appearance and materiality of all proposed means of enclosure and retaining structures and details of those enclosures on site to be retained have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area having regards to Policies D1 and D5 of the Sedgefield Local Plan and Part 7 National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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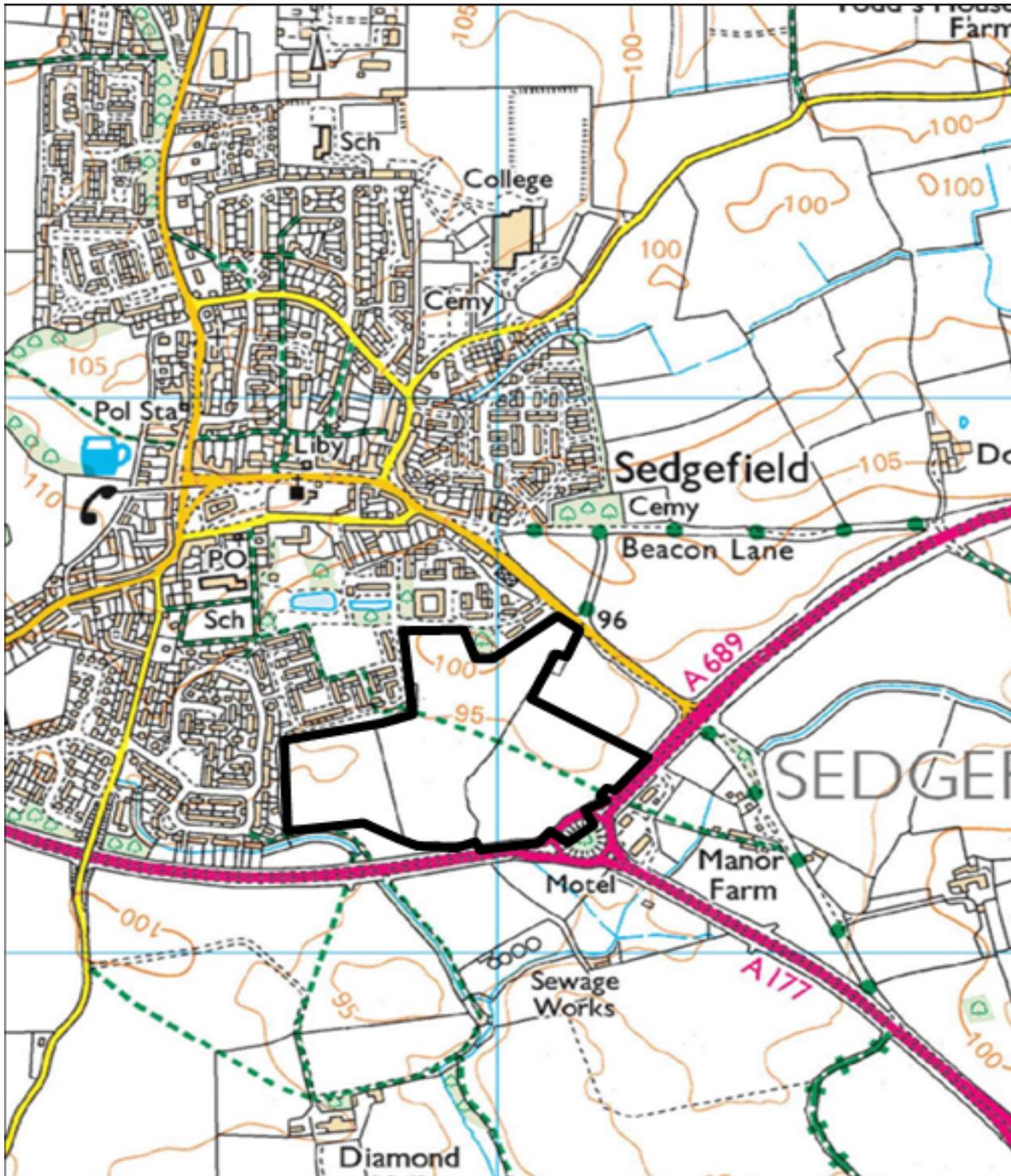
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Sedgefield Borough Local Plan
- Statutory, internal and public consultation responses.



**Planning Services**

DM/17/01322/RM  
 Application for reserved matters (appearance, landscaping, layout and scale) for the erection of 197 dwellings and associated works pursuant to planning permission DM/15/03808/OUT)

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**Date** July 2017

**Scale** Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/00599/WAS
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed Anaerobic Digestion Plant
<b>NAME OF APPLICANT:</b>	Ener-G-Bio
<b>ADDRESS:</b>	Hulam Farm Hutton Henry Hartlepool TS27 4SA
<b>ELECTORAL DIVISION:</b>	Blackhalls
<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>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The site occupies an area of approximately 2.02 hectares (ha) within an essentially rural landscape, which is predominantly in use for agriculture. The wider farm holding extends to approximately 405 ha. The landscape is broken up by scatterings of farm buildings and small hamlets. The A19 trunk road is a major feature in the local area. The village of Hutton Henry lies approximately 1.3km to the west of the application site, Castle Eden approximately 1km to the north west, and Hesleden some 1.6km to the north.
2. The steading area of Hulam Farm is situated to the immediate south of the application site and includes three groups of farm buildings of varying ages, a weighbridge, a farm worker's dwellings (Smithy Cottage), the farm manager's house (Hulam House) and two dwellings not associated with the day-to-day operations of the farm (Field House and Hulam Cottage).
3. The application site lies to the immediate north east of Hulam Farm, partly utilising an existing building and with the majority of the development in an agricultural field. The proposed development would be accessed via an existing farm track from Bellows Burn Lane that is shared with Footpath No.14 (Sheraton with Hulam Parish), which continues past the application site and joins with Footpath No. 7 (Nesbitt Parish) further to the east.
4. The A19 lies approximately 700m to the west of the application site and is the main highway connection for the site. The site is within an Area of High Landscape Value (AHLV). There are no nature conservation designations within the site. Over 2.4km to the north of the site lie the Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar site, Castle Eden Dene Special Area of Conservation and Teesmouth & Cleveland Coast Special Protection Area and Ramsar site. Hart Bog Site of Special Scientific Interest (SSSI) is located

approximately 1.7km to the south-east of the application site and Hulam Fen SSSI is located approximately 600m to the north. Hesleden Dene Ancient Woodland and Local Wildlife Site are located approximately 400m to the north and east of the application site.

5. The nearest heritage assets are the Grade II listed Hutton House approximately 980m to the south west Castle Eden conservation area is located approximately 1km to the north west.
6. The nearest residential properties beyond those within the farmstead lie approximately 840m to the south at Sheraton Hill, 930m to the west at Hutton House, 940m to the north at Castle Eden and 1.2km to the east at Nesbitt Hall.

## The Proposals

7. This application is for an anaerobic digestion (AD) plant that would produce methane gas for distribution to the gas grid. The plant would produce up to approximately 4,000,000m<sup>3</sup> of biogas per annum. The development would also include a small combined heat and power (CHP) unit for the parasitic load for the plant and heat for the tanks with excess heat being used on the farm. It is intended that the plant would operate continuously on a 24/7 basis, apart from scheduled maintenance operations when the plant would be completely closed down.
8. The proposed development would process between 70,000 and 100,000 tonnes of food waste per annum. This would be supplemented by approximately 8,760 tonnes of waste straw from wheat and barley grown on Hulam Farm and some 2,500 tonnes of farmyard manure from the nearby Nesbitt Hall Farm (at Nesbitt Hall).
9. The farmyard manure is presently spread periodically on the fields of both Hulam Farm and Nesbit Hall Farm. Between times it is stock-piled on both farms and this would continue to be the case, should planning permission be granted.
10. It is envisaged that that the food waste would comprise a mix of packaged and non-packaged solid food waste and liquid food waste. The tonnages of each food waste type would be in the order of 35-50,000 tonnes of packaged and non-packaged solid food waste and 35-50,000 tonnes of liquid food waste, per annum. The food waste would be imported to the site via heavy good vehicles (HGVs), including tankers, with a peak capacity of 16 (8in/8out) per day.
11. The AD plant would comprise of a main and a secondary digester tank which would both have an internal diameter of 25.61m, a height of 9.87m to the dome which would be an additional 3.5m in height with a total volume of 5,083m<sup>3</sup>. In addition there would be three digestate storage tanks, two with an internal diameter of 36.71m, a height of 9.87m and 5.5m high domes with a volume 10,321m<sup>3</sup>. The third tank would have an internal diameter of 26.46m<sup>3</sup>, a height of 5.67m and a 5.5m high dome with a volume of 3,119m<sup>3</sup>. There would also be three pasteurisation tanks with an internal diameter 2.95m<sup>3</sup>, a height of 6.15m and a volume of 30m<sup>3</sup>. An existing shed on the site would be reused as the food waste reception building which would housing a depackaging plant and liquid storage tanks. In addition to the AD plant there would also be a gas grid entry unit, gas purification and storage plant, technical container, office and laboratory, a CHP unit in a shipping container measuring 6m by 2m with a height of 2.5m and a 5m flare stack.
12. HGVs carrying solid food waste would enter the food waste reception building, operated under negative pressure, where the waste would be unloaded, de-packaged and sorted. The doors of the building would be kept closed at all times

other than when HGVs enter or leave the building. Liquid food waste would be transferred via a sealed pumping system into one of four reception tanks for analysis. The tanks allow for wastes of different origins to be 'blended' together to provide the optimum mix for processing in the tanks. From the reception tanks the feedstock would be transferred into the primary fermentation tank either by an auger (solids) or by direct pipe (liquids). Straw would continue to be stored in bales on the farm, as per the current situation.

13. The material would be fermented in the tanks for between 40 and 90 days. Once all the methane has been extracted from the material, it would then be pumped into a pasteurisation facility which heat treats the material before it is then pumped into the digestate storage tank.
14. At this point in the AD cycle the digestate would no longer be a waste but a bio fertiliser, capable of being spread on land instead of conventional fertilisers. The digestate would be stored in a pumpable liquid form and would be removed from the site via a sealed pipework system connected to tankers or umbilical pipework direct to the fields. It would then be spread on farmland at Hulam and Nesbitt Farm or taken off site for use at other farms instead of conventional fertiliser. Due to the seasonal demands for fertiliser as well as existing restrictions on application of material to land, the facility would incorporate up to 6 months storage of digestate on site.
15. An Environmental Permit from the Environment Agency would be required. In accordance with the permitting requirements, as well as sound environmental management practices, the site would be bunded behind concrete walls capable of holding 110% of the volume of the largest tank.
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.

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## **PLANNING HISTORY**

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17. Hulam Farm is a long established farm complex comprising of four dwellings, agricultural buildings, extensive farmyard area and surrounding land. There are 2 very large buildings in the north east corner of the farmstead that have been previously used for industrial purposes including as an intermediary storage for potatoes destined for Walkers Crisps at Peterlee and subsequently for the production of animal feed.

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## **PLANNING POLICY**

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### **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 3 – Supporting a Prosperous Rural Economy.* 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.
24. *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.
25. *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.
26. *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.
27. *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.

28. *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.
29. *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>

30. 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>

31. 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)

32. *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.
33. *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.
34. *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.

35. *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.
36. *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.
37. *Policy W9 – Areas of High Landscape Value and Heritage Coast* – requires waste proposals to demonstrate that the operational requirements cannot be met from a less sensitive site, will not have an unacceptable detrimental effect on the special character of the area and that high environmental standards will be maintained.
38. *Policy W13 – Local Designations* - waste development likely to have an adverse effect on a Local Nature Reserve, a County Wildlife/Geological Site or a Regionally Important Geological/Geomorphological Site, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site.
39. *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.
40. *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.
41. *Policy W19 – Conservation Areas* – states that proposals for waste development which would have an adverse effect on a Conservation Area will only be permitted where it can be demonstrated that there are no alternative sites available and that there is an overriding need for the development which outweighs the importance of preserving the character and setting of the Conservation Area.
42. *Policy W21 – Archaeology* – Policy requires an archaeological assessment and field evaluation prior to the determination of a planning application where there is reason to believe important remains may exist within or in the vicinity of the site of a proposed waste development.
43. *Policy W22 – Archaeology* – Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed waste development there will be a presumption in favour of their preservation in situ. Proposals for waste development that would have an adverse effect on regionally important archaeological remains will only be permitted where the need for the development outweighs the importance of retaining the site intact and no other suitable locations are available.
44. *Policy W23 – Archaeology* – Where the preservation of archaeological remains in situ is not appropriate, planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.

45. *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
46. *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.
47. *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.
48. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
49. *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.
50. *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.
51. *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.
52. *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.
53. *Policy W43 – Aerobic and Anaerobic Digestion* – states that proposals for Anaerobic Digestion Plants which make a significant contribution to sustainable waste management in County Durham and which make the best practical use of by-products will be permitted where they can be satisfactorily located: a) on land identified for general industrial use or on previously developed land in sustainable locations; or where the proposal forms part of an integrated waste management facility.
54. *Policy W44 – Small Scale Aerobic And Anaerobic Digestion* – states that proposals for small scale aerobic and anaerobic digestion plants which make the best practical use of by-products will be permitted on general industrial sites; or on previously

developed land is sustainable locations and where the processing of waste is appropriate in scale to an existing primary use of the site, or where they involve the re-use of appropriate rural buildings and hard standings, including as part of farm diversification.

55. *Policy W45 – Energy from Waste* – Proposals for the development of energy from waste facilities will be permitted where it can be demonstrated that they contribute to a sustainable waste management system for County Durham and where they can be satisfactorily located on land identified for general industrial uses, or on previously developed land in sustainable locations; or where the proposal forms part of an existing permanent waste management facility.

The District of Easington Local Plan (December 2001) (DELP)

56. *Policy 7 – Protection of Areas of Highway Landscape Value*. This Policy seeks to protect areas of high landscape value and development which adversely affects their character, quality or appearance will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.

#### **EMERGING POLICY:**

57. 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> (County Durham Waste Local Plan and District of Easington Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

58. *Castle Eden Parish Council* – has raised concerns regarding the effect the development would have on the residents of Castle Eden. Visual impact on the landscape and highway safety, particularly in relation to additional vehicles joining the A19, are also raised as concerns.
59. *Hartlepool Borough Council* – has raised no objections to the proposals.
60. *Highway Authority* – has raised no objections to the proposals but has requested improvements to be carried out to Bellows Burn Lane between the A19 junction and the access to Hulam Farm due to HGV's overrunning the verges. The applicant has submitted a scheme to show proposed repair works and 3 new passing places on this section of road. Highways officers accepted that this would meet the minimum safe requirement.

61. *Highways England* – has raised no objections to the proposed development subject to conditions being imposed requiring all HGV's to turn left onto the A19 when leaving the site and for HGV's approaching from the south utilise the A19/B1281 interchange, thereby avoiding using the gaps in the central reservation.
62. *Environment Agency* – has raised no objections to the proposals but has provided advice to the applicant regarding the requirement for a bespoke Environmental Permit.
63. *Natural England* – has raised no objections to the proposal stating the development is not likely to have significant effects on the Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar site, Castle Eden Dene Special Area of Conservation and Teesmouth & Cleveland Coast Special Protection Area and Ramsar site. It is further noted that the proposal would not damage or destroy the interest features for which Hulam Fen and Hart Bog Sites of Special Scientific Interest (SSSI) have been notified.
64. *Northumbrian Water* – advises that it has no comments to make on the proposals.
65. *Drainage & Coastal Protection* – has raised no objections to the proposal noting that the site bunding would be more than adequate to accommodate a 1 in 100 year storm event.

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

66. *Spatial Policy* – has raised no objections to the proposals but note that whilst the process would be driving waste up the hierarchy, the principle of the development in the open countryside on a greenfield site is contrary to the locational principles of W43 and those in the NPPF in terms of the preference for previously developed land or industrial land in sustainable locations. Officers advise that the benefits of the proposed development in terms of landfill diversion and making beneficial use of waste outweigh the policy conflicts.
67. *Landscape* – has raised no objections to the proposals. Officers have stated that the development would involve a relatively substantial incursion of an industrial nature into open countryside with some visual harm and local landscape effects as a consequence. However, this could be tempered with considered choice of finishing colour for the tanks and mitigated over time by structure planting.
68. *Ecology* – has raised no objections to the proposal and consider the submitted information to be sufficient. Officers have requested that the recommendations in respect of tree protection, low level lighting and landscaping contained within the submitted Preliminary Ecological Appraisal Report are secured by condition.
69. *Access and Rights of Way* – has raised no objections to the proposals stating that although Footpath No. 14 (Sheraton and Hulam Parish) is close to the application site it would not be directly affected by the development. An informative is recommended to ensure that the path is protected.
70. *Archaeology* – no objections are raised following the submission of a geophysical survey and trial trench evaluation. Conditions are recommended to ensure that locally significant remains in the northern area of the site are appropriately recorded considering that preservation by record is appropriate in this case through a strip, map and record.

71. *Design and Conservation* – raise no objections to the proposals. Officers note that although the Castle Eden conservation area with its registered historic park and a number of listed buildings are located approximately 1km to the north, due to the intervening screening and existing agricultural buildings it is unlikely that there would be an adverse impact on the setting of the heritage assets.
72. *Environmental Health and Consumer Protection (Noise and Odour)* – has considered the proposal in relation to the Council's 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 detailed scheme of mitigation measures for the management of odour arising from the site to be submitted prior to the commencement of development. Officer also require a condition restricting noise emitted from fixed plant/machinery/vehicle movements on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. In accordance with BS4142:2014 and a restriction of HGV's movements to and from the site to between 0800 – 1700 Monday to Saturday and 0900 – 1600 on Sunday.
73. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposed development stating that the air quality assessment demonstrates that the impact on air quality pollutants at receptors both within the curtilage of the farm and the in the surrounding area would not be significant.
74. *Sustainability* – raises no objections being generally supportive of such schemes, which will result in the decarbonisation of the gas grid. Concerns are raised regarding potential odour from the proposed development.

#### **PUBLIC RESPONSES:**

75. The application has been advertised in the press, by site notice and neighbour notification. 3 letters of objection have been received.
76. Concerns are raised by one objector that their property had been omitted from the technical assessments of the proposal due to an assumption that it was in the control of the applicant. Updated noise, odour and air quality assessments were submitted to take into account properties on the site not in the control of the applicant along with revised planning and design and access statement. A reconsultation exercise was carried out and no further objections have been received from this resident. Other concerns received by those objecting to the development relate to visual impact and odour and pollution. It is also stated that these plants are relatively experimental and appear to have limited benefit, requiring huge volumes of animal waste that they do not want to see or smell. In addition concerns are raised regarding road safety given the added number of large lorries delivery waste; that the development would be inappropriate in this location; adverse air quality and odour impacts.

#### **APPLICANTS STATEMENT:**

77. The Government has shown a clear commitment to increasing the proportion of the United Kingdom's energy requirements produced from carbon neutral or low carbon sources. Moreover, the Government is keen to diversify the mix of such energy sources and not to be over-reliant on wind power. Anaerobic Digestion (AD) plants are carbon reducing and the proposed development will therefore make a contribution towards achieving the Government's target of cutting CO<sub>2</sub> as well as diversifying the mix of renewable energy sources.

78. The proposed development accords with the National Planning Policy Framework, which urges local planning authorities to look upon proposals for renewable energy generation favourably. The DEFRA publication, the 'National Anaerobic Digestion Strategy and Action Plan – A commitment to increasing energy from waste through anaerobic digestion' (2011 & 2013), which indicates the government's strong support for anaerobic digestion facilities, offers significant encouragement for the proposal. The Waste Management Plan for England (2013) is also supportive of the proposal.
79. There is no conflict with local planning policy with reference to the extant development plan policies contained within the County Waste Local Plan (2005) and the Easington District Local Plan (2001).
80. The plant will process food wastes that would otherwise go to landfill together with waste straw and farmyard manure, to produce bio-gas. The bio-gas will then be both purified and compressed for injection into the Gas Grid with a small proportion being combusted in the CHP plant to provide electricity for the operation of the plant. The resultant bi-product from the process known as digestate, may be separated into its solid and liquid components. The liquid is a bio-fertiliser and the solid may be used as a fertiliser and soil improver. These odourless bi-products will be spread on the farm's fields instead of farmyard manure and imported nitrate fertiliser which are used at present.
81. The proposal represents an appropriate form of sustainable development at the site. Moreover, it has been demonstrated that the development will not result in a significant impact upon the landscape or visual amenity, will not cause noise or odour nuisance, will not give rise to traffic issues of any significance, will not harm the local ecology and will not adversely impact any features of archaeological importance.
82. Furthermore, it has been concluded that the proposal will benefit the rural economy, and promote the Government's aim to diversify farms as opportunities present themselves.
83. On that basis, we hope officers and members will support this scheme.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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84. 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 cultural heritage.

85. 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. The National Anaerobic Digestion Strategy and Action Plan outlines the Government's aim to increase energy from waste through AD, moving towards the 'zero waste' economy. It highlights the important role of AD in dealing with organic waste and avoiding greenhouse gas emissions that are associated with its disposal to landfill.
86. 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.
87. The proposed development would seek to import up to up to 100,000 tonnes per annum of food waste, supplemented by a further 8,760 tonnes of crops waste and 2,500 tonnes of manure and producing up to 4,000,000m<sup>3</sup> of biogas a year from the proposed anaerobic digester. Capacity for anaerobic digestion is currently unknown as waste data showing available feedstocks is not readily available. Determining need based upon capacity is therefore currently an unreliable measure. Although no contracts are in place, the applicant has identified local sources in Peterlee, Durham, Sunderland and Newcastle for feedstocks and would be able to treat all of the waste on site, producing renewably sourced gas for the grid and bio fertiliser, both of which contribute to regional self-sufficiency and as there would be no waste at the end of the process the proposal would not amount to an unnecessary importation of waste into the County. Contracts with suppliers would not normally be in place until planning permission has been secured to give certainty. The proposal would therefore broadly accord with WLP Policy W2 even though the need for the development is currently unknown.
88. Anaerobic digestion is specifically covered in the WLP under Policies W43 and W44. Policy 43 seeks to locate anaerobic digesters on general industrial or previously developed land; or in other situations where the proposal forms part of an integrated waste management facility. Policy W44 is broadly similar to W43 but allows for small scale facilities to be located on farms as a form of diversification. The WLP does not elaborate on what constitutes 'small scale' but the assertion is that proposals on farms would normally be permitted if they are only using feed stocks (including waste) produced within the same farm unit. The proposed facility at Hulam Farm would use feed stocks from the farm but the majority of the material would be imported waste. It is therefore considered that the proposal must be considered against Policy W43. As the development would produce useable electricity and heat it should also be assessed against Policy W45 relating to energy from waste. W45

has the same locational requirements as W43. The proposed development would involve the use of a relatively small field to the immediate north east of the existing farm buildings for the construction of an AD plant. The proposal would not be located on an industrial estate, would not form part of an integrated waste management facility and would be only partially on previously developed land and is therefore a departure from WLP Policies W43 and W45. WLP Policies W43 and W45 are considered to be consistent with the NPPF and can be given weight in the decision making process.

89. The supporting text in the WLP relating to aerobic and anaerobic digestion in the WLP was written at a time when the technology was in its infancy and few examples existed within the UK. It was understood that digestion facilities would primarily be used to produce compost from municipal waste with little regard to the potential for energy production. Technology has advanced and anaerobic digesters have become a recognised as a viable source of renewable energy as well as producing a useful product from waste material that would otherwise have been sent to landfill or incinerated.
90. WLP Policy W45 relating to Energy from Waste was also written without the knowledge of what future technological innovations may become available. The supporting text focuses upon energy recovery from waste via gasification, pyrolysis and incineration of municipal waste on an industrial scale. These processes are quite different from how energy is recovered in an anaerobic digester where a viable supply of renewable fuel can be obtained at a range of scales. The primary purpose of the AD plant would be to generate gas for the national grid. A small amount would be used for heat and power at Hulam Farm.
91. The proposed development would bring benefits to the wider area in that it would produce energy for the national grid from waste food, farmyard manure and excess silage that would otherwise need to be disposed of. The digested material could be used as a stable bio-fertiliser for use at Hulam and Nesbitt Farm or taken off site for use at other farms, limiting the need for manmade fertilisers. The bio-fertiliser would be relatively odourless in comparison to the manure that is currently spread to land.
92. Whilst it is accepted that the proposed development would be a departure from WLP Policies W43 and W45 it is considered that these specific Policies have not kept pace with current technology and only limited weight can be attributed to them. The departure does not undermine the key aims of the development plan and would not need to be referred to the Secretary of State. Indeed, the proposal would comply with all other relevant local plan policies.
93. 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. WLP Policy W29 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
94. The proposed development would be located in close proximity to the A19 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 a

nearby farm, as well as food producers likely to be from Peterlee, Durham, Sunderland and Newcastle. The site would therefore be in close proximity and well connected to the sources of the feedstocks and would therefore accord with WLP Policies W4 and W29 in terms of minimising transport of waste.

## Residential Amenity

95. WLP Policy W3 requires proposals for waste development to demonstrate that the living conditions of local communities will be protected and where possible enhanced. WLP Policy W33 seeks to ensure that mitigation is provided to ensure that harmful impacts from development are kept to an acceptable level and Policy W36 sets out the need to fully contain waste management facilities within buildings or enclosed structures appropriate to the technology or process.
96. The proposed development would be located to the immediate north east of the farmstead, incorporating an existing building on the site. The site has limited screening around its perimeter but there are sporadic plantations around the site that break up ranged views. The nearest residential properties beyond the four within the farmstead lie approximately 840m to the south at Sheraton Hill, 930m to the west at Hutton House, 940m to the north at Castle Eden and 1.2km to the east at Nesbitt Hall.
97. The proposed facility would store waste materials in tanks located within the buildings and also within the AD plant itself. Materials would be brought to and from the site by tractors (manure and waste straw) and HGV's (food waste).
98. The key issues in terms of residential amenity are noise and odour and are addressed below.

## Noise

99. Anaerobic digestion is a generally quiet activity with the majority of the process occurring within sealed tanks. The site is an active arable farm and use of tractors is a normal part of those operations and the internal transportation on the farm of manure and waste straw currently takes place. The main sources of noise from the facility would be HGV's travelling to and from the site, CHP plant and the gas to grid equipment. The applicant has submitted a noise impact assessment in support of the application. The assessment shows that the predicted noise levels from the development would result in a 1dB increase in day time noise levels and a 2dB increase in night time noise levels at the nearest noise sensitive property. The assessment does not recommend any mitigation for this as less than 3dB change is imperceptible to the human ear.
100. Environmental Health and Consumer Protection officers have considered the proposal and have raised some concerns in relation to the night time increase of 2dB as this is a breach of the guidance set out in the Technical Advice Note (TAN) and is indicative that mitigation would be required, contrary to the applicants claim. Rather than specifying changes to the operation of the plant Officers have recommended conditions requiring that the noise from fixed plant, machinery and vehicle movements shall not exceed the noise level by more than 5dB LAeq (1 hour) between 0700 and 2300 and 0dB LAeq (15 minutes) between 2300 and 0700, and also that movement of HGV's to and from the site shall only be permitted between the hours of 0800 to 1700 Monday to Saturday and 0900 to 1600 on Sunday. 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 noise impact.

## Odour

101. The proposed development would import straw waste from the farm, manure and food waste, which by their nature is odorous material. An Odour Assessment has been submitted in support of the application which concludes that, subject to the implementation of appropriate mitigation measures including having the building held at negative pressure and measures to reduce odour emissions, the proposed development is very unlikely to cause any statutory odour nuisance or adverse impact upon amenity.
102. Environmental Health and Consumer Protection officers have considered the submitted details and assessed them against the relevant Council's TAN. Officers consider that the applicant has suitably demonstrated that odour can be controlled so as to meet relevant thresholds but advise that it is inevitable that there would be some fugitive emissions from the opening door and HGV movements, and bio filters may not work as expected due to various issues. Therefore the nearby receptors at times would be impacted on by odour from the development. Officers have recommended that to mitigate the odour risk a condition be imposed requiring a detailed scheme of odour management to be submitted and approved prior to the commencement of development.
103. 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 conditions relating to noise and odour. In addition, the site would be subject to an Environmental Permit that would be issued and monitored by the Environment Agency. 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

104. The site is an existing agricultural holding within the open countryside. It lies in the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area. It lies in the Sheraton Broad Character Area which belongs to the Coastal Limestone Plateau Broad Landscape Type. The surrounding countryside is for the most part gently undulating, though strongly undulating in places, forming discrete low knolls. To the North and North East lie the narrow steep-sided Hesleden and Nesbitt Denes. It is a predominantly arable landscape with old pre-enclosure hedgerow networks, locally heavily fragmented. There are occasional small broadleaved copses with larger tracks of ancient woodlands in the incised denes. The site lies in an Area of High Landscape Value as defined in the DELP.
105. The site lies 750 m to the east of the A19, 1.2km north east of Hutton Henry, 1km south east of Eden Vale and 1.25km south of Hesleden. The site is largely screened from the wider countryside to the North West from villages, roads and footpaths in this vicinity by topography and intervening vegetation and where there are views, it would be in association with the existing farm complex. There are glimpses of the site from the A19, however due to the land falling away to the north and east behind the existing large agricultural buildings and the trees that sit on the crest of the knoll the relationship of the digesters to the existing farm buildings would mean they would be largely screened from this viewpoint. Similarly, when travelling East on the C22 through Hutton Henry, it would be seen in the context of, and behind the existing buildings and trees. From the south along much of Bellow Burns Lane, the

undulating topography, woodland copses and hedgerows would screen the development in all but the most fleeting views. It would be more visible however from the east in longer views from public footpaths over open countryside. Footpath No.14 (Sheraton with Hulam Parish), runs immediately to the east of the proposed site through the existing farmyard and from this location the development would be very prominent.

106. The proposed AD plant would inevitably have an industrial quality which would be out of keeping with the rural character of the area and would detract to some degree from the scenic qualities in the near and middle distance views. It would have a transformative effect on the site itself, more than doubling the size of the complex. There would be some local harm to the quality of the AHLV, given the proposals are on an industrial scale and that, against the background of the landscape setting, it would represent a prominent and intrusive addition to some views. However, subject to appropriate screening Landscape officers consider that the effects of the proposal would not be significant in the medium to long term and would recessive colours would assist in blending the plant in with the landscape.
107. Paragraph 109 of the NPPF sets out key areas for conserving and enhancing the natural environment and requires the protecting and enhancing of valued landscapes. The site lies within an Area of High Landscape Value as identified in the DELP. WLP Policy W9 requires waste proposals to demonstrate that the operational requirements cannot be met from a less sensitive site, will not have an unacceptable detrimental effect on the special character of the area and that high environmental standards will be maintained. This is reflected in DELP Policy 7 which also seeks to protect the AHLV. 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. .
108. Landscape officers have raised no objections to the proposal subject to the submission of a landscaping scheme as it is considered that structure planting in locations at the north and east of the site would be of benefit. A further condition requiring details of colours and finishes is also recommended. In addition precise details of the reception container, gas purification and storage plant, gas grid entry unit, technical unit, office and laboratory building would be required through condition.
109. It is therefore considered that the proposal would accord with WLP Policies W3, W6, W7, W9 and W33. DELP Policy 7 seeks to protect the AHLV within which the application site lies, and requires a demonstration of why an alternative site cannot be chosen should a development proposal result in adverse impact. As the proposed development has been assessed as not having harmful impact to the character and appearance of the area, and thus to the AHLV, the objectives of DELP Policy 7, WLP Policy W9 and NPPF Part 11 are considered to have been met. 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. WLP W9 and DELP Policy 7 are considered to be partially consistent with the NPPF as the NPPF does not recommend setting local landscape designations but does acknowledge the importance of protecting valued landscapes.

110. 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.
111. 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. WLP Policy W13 seeks to resist development that would have a significant detrimental effect on Local Nature Reserves and County Wildlife Sites. WLP Policies W13 and W17 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.
112. A Preliminary Ecological Appraisal report has been submitted in support of the application. The report states that the site is of negligible to low biodiversity value, being composed entirely of monoculture improved grassland with limited protected species habitats in the vicinity. The report provides recommendations in relation to tree protection measures, lighting and landscaping.
113. The Council's Ecologist has confirmed that the supplied Preliminary Ecological Appraisal report is sufficient to inform this proposal and that no further survey work is required but has requested recommendations of the report concerning tree protection, low level lighting and landscaping are required by condition.
114. An Air Quality Report has been submitted with the application. The report confirms that the results of air quality modelling indicate that emissions from the digester plant are unlikely to significantly affect existing conditions at nearby sensitive ecological receptors. The response from Natural England confirms that it is satisfied with the air quality prediction and offer no objection to the proposal.
115. Natural England has advised that based on the plans submitted, the proposed development would not have significant adverse impacts on designated sites (The Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar site, Castle Eden Dene Special Area of Conservation and Teesmouth & Cleveland Coast Special Protection Area and Ramsar site) and therefore has no objection. Furthermore, Natural England considers that based on the plans submitted the proposed development would not damage or destroy the interest features for which Hulam Fen Site of Special Scientific Interest, Hart Bog Site of Special Scientific Interest has been notified and has no objection.
116. Durham County Council is the competent authority who must undertake a Habitat Regulations Assessment (HRA) under The Conservation of Habitats and Species Regulations 2010 (as amended). The purpose of the HRA would be to determine

whether the proposed development would constitute a plan or project under the Regulations, and whether any likely effects would be considered significant, direct or indirect, on any European Protected Site on or near the application site or on any qualifying features for which the European sites are designated. The Council has undertaken a screening assessment and consider that the proposed anaerobic digester is not likely to have a significant effect on Castle Eden Dene SAC, Durham Coast SAC, Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA either alone or in combination with other plans or projects and is not directly connected with or necessary to the management of the site. Officers therefore conclude that an appropriate assessment is therefore not required.

117. It is considered that the proposal would not result in the loss of valuable habitat or harm to protected species and the structure planting to be agreed through condition has the potential to create biodiversity enhancement. The proposal would therefore not conflict with WLP Policies W13 or W17 and Part 11 of the NPPF.

#### Access and Traffic

118. 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.
119. The proposed development would be accessed via an existing farm track connecting Bellows Burn Lane. This is unmarked single track road for its full length up to the junction with the A19 to the west. The site would accept up to 100,000 tonnes of material per annum, imported using HGV's.
120. The proposal would generate approximately 16 vehicle movements per day (8 in and 8 out), not including tractors collecting digestate to spread to land, however, as much of this would be directed to Hulam Farm the impact would be negligible. The vehicle movements from HGV's could be controlled by condition.
121. The Highway Authority and Highways England have assessed the proposals and consider that the proposed access arrangements and vehicle movements would be acceptable subject to conditions. Improvements to the road by adding three additional passing places and repairing damaged sections should reduce the impact of additional vehicle movements and limit the need to overrun verges.
122. A routeing agreement has been submitted by the applicant confirming that none of the HGV's associated with the proposed development would access or exit the site by crossing the central reservation of the A19 and would instead use the interchanges to the north or south as necessary. Subject to conditions requiring the upgrade works to be carried out and the vehicle routeing to be adhered as well as a limit on vehicle movements to it is 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

123. 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.
124. The proposed development would be accessed via an existing farm track from Bellows Burn Lane that is shared with Footpath No.14 (Sheraton and Hulam Parish), which continues through Hulam Farm and joins with Footpath No.7 (Nesbitt Parish) further to the north east. HGV movements associated with the development would be controlled by condition and proposed improvements to the highway would provide additional space for users of the Footpath No.14 to share this route with vehicles. Noise and odour from the development would be controlled by condition and this should be kept to a level where it would not harm the enjoyment for users of the public rights of way network.
125. The submitted landscaping plans indicate that there would be substantial planting on the perimeter of the site that would provide a benefit to users of the Footpath No.14 (Sheraton and Hulam Parish) as it would screen not only the proposed development but the farm as a whole, reducing its impact in the landscape. The internal concrete bunds would be banked with soil mounds that would be seeded and planted on the external sides, further screening the development. Access and Rights of Way officers raise no objections to the proposal stating that the proposal would not directly affect Footpath No. 7 (Easington Parish) but have suggested that a general informative be included on any planning permission. The proposal would not conflict with WLP Policy W24 and Part 8 of the NPPF.

#### Agricultural Land

126. 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 W43 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 W43 are considered to be consistent with the NPPF and can be given weight in the decision making process.
127. The proposed development would be located on a greenfield site on the northern edge of the farmstead. The area of land to be developed amounts to just over 2ha and is classed as being Grade 3 and although the available information does not distinguish between 3a and 3b the presence of a pocket of Grade 2 land to the south of the site would indicate that the land is of a generally higher standard in this area.
128. Whilst the applicant has not demonstrated that there is an overriding need to locate the proposed development on agricultural land the overall loss is relatively small in the context of the surrounding area. If it is assumed as a worst case scenario that

the land is best and most versatile (Grade 3a) then the proposal not accord with WLP Policies W25 and W43 and Paragraph 112 of the NPPF. However, it is considered that the conflict is not sufficient to justify refusal of the planning application.

## Flood Risk and Drainage

129. 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. The FRA identifies that the site is not at risk of flooding and as the developed areas of the site would be bunded to prevent pollution incidents, any rainfall would be prevented from running off. The capacity of the bund would be 110% of the largest tank at 11,353m<sup>3</sup>, which would comfortably contain a 1 in 100 year rainfall event. Given the water intensive nature of the process any collected water would be used in the plant. 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, Northumbrian Water and Drainage and Coastal Protection officers 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.

## Cultural heritage

130. 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 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
131. There are several listed buildings within 1.5km of the site, however, the nearest is at a distance of 950m and none of which would suffer any harm from the proposed development due to the intervening screening and existing agricultural buildings. Design and Conservation officers have raised no objections considering it to be unlikely that there would be an adverse impact on the setting of the heritage assets. It is therefore considered that the proposal would have no harm on any heritage assets would not conflict with WLP Policies W18 and W19 or Part 12 of the NPPF. WLP Policy W18 and W19 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.
132. A geophysical survey and a trial trench evaluation have been undertaken. Archaeological deposits were identified in the evaluation trenches in the northern part of the site comprising two sections of a large enclosure ditch and several internal features including further ditches and curvilinear gullies, remains of a late prehistoric or Romano-British farmstead. Archaeology officers consider these to be locally significant but raise no objection to the proposal considering that preservation by record is appropriate in this case through a strip, map and record and requiring this through condition. In accordance with WLP Policy W21 an archaeological assessment and evaluation have been carried out demonstrating that deposits are of local significance. In accordance with W23 satisfactory provision for recording can be

secured thorough condition. The proposal accords with WLP Policies W21 and W23 and Paragraph 135 of the NPPF. The proposal would not conflict with WLP Policy W22. WLP Policies W21, W22 and W23 are considered to be consistent with the NPPF.

#### Other matters

133. The development would be located within a Coalfield Development Low Risk Area. In accordance with guidance from the Coal Authority an informative would be attached to any planning permission granted for development of this site. The proposal would accord with Paragraph 121 of NPPF in this regard.

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## CONCLUSION

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134. Planning policy is generally supportive towards sustainable waste management initiatives and seeks to locate AD plants on land identified for general industrial use or on previously developed land in sustainable locations. The proposed AD plant would not fit with this locational criteria but the existing buildings on the site have been in previous industrial use and in close proximity to the A19 the site is in a sustainable location. The encroachment onto agricultural land is regrettable but in the context of the site as a whole it is not considered to be a significant loss. The benefits in terms of sustainable use of waste for energy production and replacement of artificial fertiliser with biofertiliser are considered to outweigh the policy conflicts of the development.
135. The proposals have generated some public interest with representations reflecting the issues and concerns of local residents affected by the proposed developments. Careful consideration has been 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. On balance these are not felt to be of sufficient weight to justify refusal of the application in this case. Potential impacts on local amenity associated with matters such as noise, dust, odour and visual impact can be controlled through the implementation of appropriate mitigation measures and planning conditions.
136. The proposals are considered to broadly accord with the relevant policies of the County Durham Waste Local Plan and meet the aims of national planning guidance contained within NPPW and relevant sections of the NPPF.

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## RECOMMENDATION

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That the application be APPROVED subject to the following conditions:

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents:
  - Drawing No. 90-04 rev. P04 'Proposed Block Site Plan'
  - Drawing No. 90-05 rev. P05 'Proposed Elevations'

- Drawing No. 16.047 'Site Layout showing Screen Planting'
- Drawing No. 90-06 'Proposed Highway works to Bellows Burn Lane'
- Preliminary Ecological Appraisal – Land At Hulam Farm Castle Eden Dated 12/12/2016.
- Ener-G Bio Contract and Waste Acceptance Criteria (Standard Rules)

*Reason: To ensure the development is carried out in accordance with the approved documents.*

3. Prior to the commencement of development precise details of the reception container, gas purification and storage plant, gas grid entry unit, technical unit, office and laboratory building shall be submitted and agreed in writing with the Local Planning Authority and thereafter be provided in accordance with those details.

*Reason: In the interests of visual amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement to ensure details are appropriate to the development and its surroundings.*

4. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be submitted and agreed in writing with the Local Planning Authority and thereafter be provided in accordance with those details.

*Reason: In the interests of visual amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement to ensure details are appropriate to the development and its surroundings.*

5. Prior to the development being brought into use the highway improvement works shown on Drawing No. 90-06 'Proposed Highway works to Bellows Burn Lane' including 3 new passing places and carriageway widening shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety (County Durham Waste Local Plan Policy W32 and Part 4 of the National Planning Policy Framework).*

6. Prior to the commencement of development a landscaping scheme shall be submitted to the Local Planning Authority and approved in writing. This scheme shall provide details of earthworks, tree planting and grass seeding. The approved scheme shall implemented in the first available planting season following the commencement of development and shall be maintained for the life of the development.

*Reason: In the interests of visual amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.*

7. Prior to the commencement of development a detailed scheme of mitigation measures for the management of odour arising from the site shall be submitted to and approved by the local planning authority. The agreed mitigation measures will be implemented prior to beneficial use of the premises and adhered to thereafter.

*Reason: In the interests of residential amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement as essential to the acceptability of the hereby approved development.*

8. The development hereby approved shall be carried out in full accordance with the recommendations set out in Section 6 of the Preliminary Ecological Appraisal – Land At Hulam Farm Castle Eden Dated 12/12/2016.

*Reason: To ensure that impact upon biodiversity is minimised (County Durham Waste Local Plan W17 and Part 11 of the National Planning Policy Framework).*

9. The development hereby approved shall not be brought into use until the plant has been fully constructed in accordance with Drawing No. 90-04 rev. P04 'Proposed Block Site Plan' and details approved under conditions 3, 4, 5 and 6, and in accordance with condition 7.

*Reason: To ensure that the development is carried out in accordance with the approved plans. (County Durham Waste Local Plan W33 and Part 11 of the National Planning Policy Framework).*

10. Movements of heavy goods vehicles to and from the site shall only be permitted between the hours of 8.00 and 17.00 Monday to Saturday and 09.00-16.00 on Sunday.

*Reason: In the interests of residential amenity and highway safety (County Durham Waste Local Plan Policy W31 and W33 and Parts 4 and 11 of the National Planning Policy Framework).*

11. Vehicle movements to the site in connection with the receipt and processing of waste material hereby approved shall be restricted to no more than 16 HGV movements per day (8 in/8 out). The operator shall maintain a record of all vehicles using the site in connection with these activities and a certified copy of this record shall be afforded to the Local Planning Authority on request within 2 working days of such a request.

*Reason: In the interests of highway safety (County Durham Waste Local Plan Policy W32 and Part 4 of the National Planning Policy Framework).*

12. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and waste is not transferred onto the public highway.

*Reason: In the interests of residential amenity and highway safety (County Durham Waste Local Plan Policy W31 and W33 and Part 11 of the National Planning Policy Framework).*

13. In accordance with the submitted Ener-G Bio Contract and Waste Acceptance Criteria (Standard Rules), all HGV movements from the South of Hulam Farm are to utilise A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane. All HGV movements leaving Hulam Farm at the A19/Bellows Burn Lane junction are required to turn left and head south to further turn onto A19/A171-B1280 interchange in order to head north and eliminate the need to use the gaps in the central reservation.

*Reason: In the interests of highway safety (County Durham Waste Local Plan Policy W32 and Part 4 of the National Planning Policy Framework).*

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii. Post-fieldwork methodologies for assessment and analyses.
  - iv. Report content and arrangements for dissemination, and publication proposals.
  - v. Archive preparation and deposition with recognised repositories.
  - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

*Reason: To comply with Paragraphs 135 & 141 of the National Planning Policy Framework because the site is of archaeological interest. This condition is required to be pre-commencement of development due to the necessity for such investigations and work to be implemented before the ground is otherwise disturbed.*

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

*Reason: In the interests of archaeology (County Durham Waste Local Plan Policy W23 and to comply with paragraph 141 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible).*

16. The rating level of noise emitted from fixed plant/machinery/vehicle movements on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Within 28 days of the operation of the bio-digester a validation report shall be submitted to and agreed by the planning authority, to demonstrate adherence with the above levels.

*Reason: In the interests of residential amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework).*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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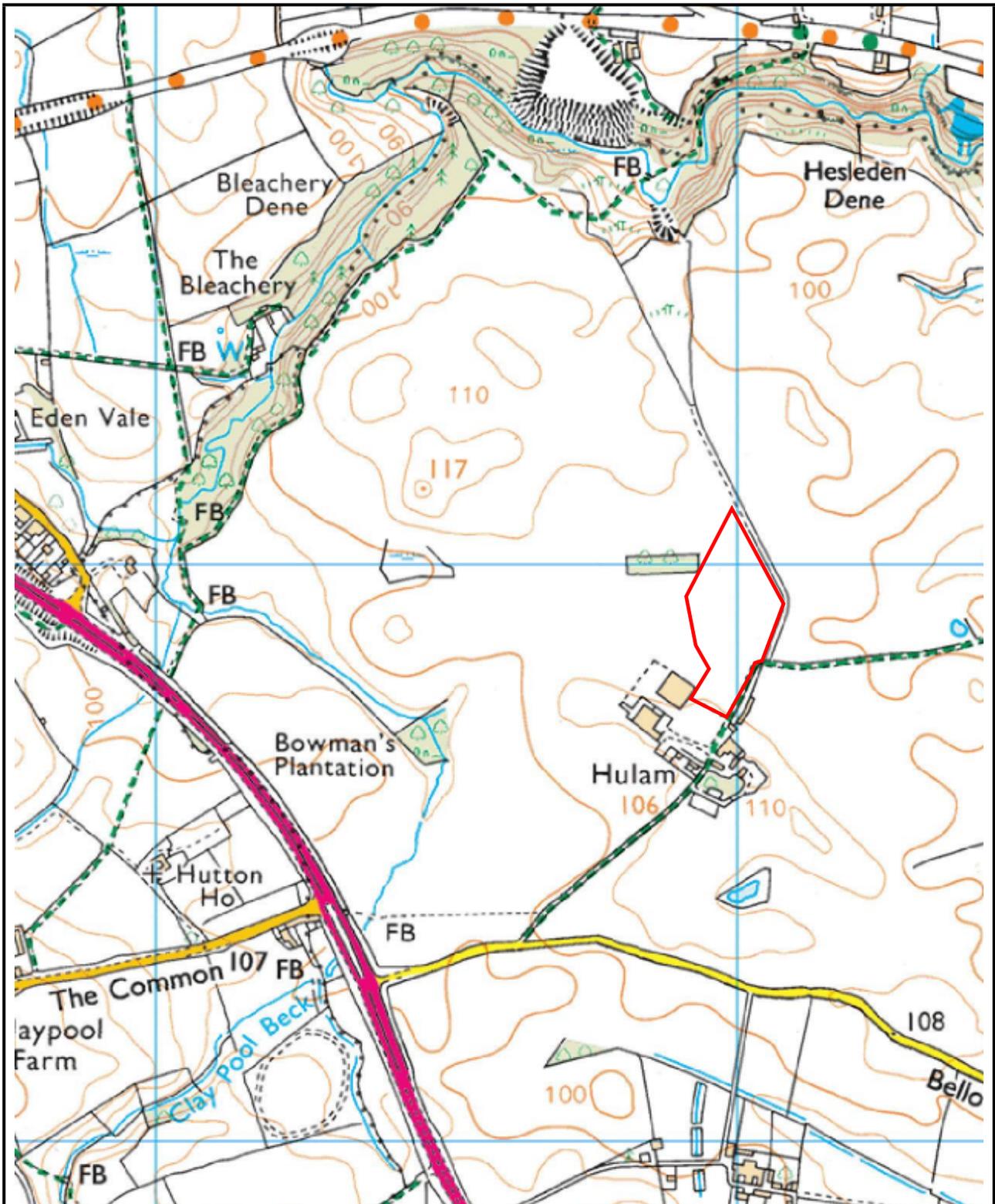
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of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

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## **BACKGROUND PAPERS**

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- Submitted application 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)
- District of Easington Local Plan (2001)
- Statutory, internal and public consultation responses



**Planning Services**

DM/17/00599/WAS  
 Proposed Anaerobic Digestion Plant at  
 Hulam Farm, Hutton Henry, Hartlepool, TS27  
 4SA

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**Comments**

**Date** July 2017

**Scale** Not to scale