



County Planning Committee

Date Tuesday 5 December 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 November 2017 (Pages 3 - 8)
5. DM/16/03958/OUT - Land to the South East of Stewart Drive, Wingate, TS28 5PS (Pages 9 - 38)
Outline planning application with all matters reserved (other than access), for erection of up to 250 dwellings and associated infrastructure.
6. Highway/traffic implications of Planning Applications - Presentation by Highway Development Manager
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
8. 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)

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

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
27 November 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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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 November 2017 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors H Bennett, J Clare, D Hicks, I Jewell, C Kay, L Maddison, H Nicholson, G Richardson, A Shield, A Simpson and F Tinsley (Vice-Chairman)

1 Apologies for absence

Apologies for absence were received from Councillors A Laing and P Taylor.

2 Substitute Members

Councillor H Bennet as substitute for Councillor A Laing.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 3 October 2017 were confirmed as a correct record and signed by the Chairman.

Prior to consideration of the planning applications the Chairman informed the Committee that, due to discussions at previous meetings, Thomas Bennett, Senior Policy Officer in the Spatial Policy Team was in attendance to answer Members queries about the five-year housing land supply figure.

Councillor Shield asked whether the housing land supply figures could be identified by areas to match the areas used for the three Area Planning Committees. The Senior Policy Officer replied that this would not be done because County Durham had been identified as one housing market area. In response to a follow up question from Councillor Shield as to whether this could or could not be done, the Senior Policy Officer informed the Committee that County Durham had been identified as a self-contained housing market area with a countywide housing requirement and therefore the area on which to base the 5 year housing land supply figure. The Senior Policy Officer offered to further discuss this with Councillor Shield outside of the meeting.

Councillor Robinson asked the Committee whether it had any further questions on five year housing land supply. No further questions were forthcoming.

5 Applications to be determined

a DM/17/01757/FPA - Land North East of Trent Crescent and East of Scorers Lane, Great Lumley

The Committee considered a report of the Senior Planning Officer regarding an application for the development of 70 residential dwellings (Use Class C3) with associated access, infrastructure, landscaping and open space on land north east of Trent Crescent and east of Scorers Lane, Great Lumley (for copy see file of Minutes).

G Blakey, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, site photographs north from Trent Crescent and from the proposed access point, proposed site layout and streetscene. Members of the Committee had visited the site the previous day and were familiar with the proposed development and its relationship with its surroundings.

Councillor Robinson informed the Committee that he had received feedback from local Member Councillor A Bell that local residents had commented about lack of education provision for residents of Great Lumley and there was concern that this would be exacerbated by further development.

Graeme Plews, School Places and Admissions Manager informed the Committee that for last year's secondary admissions, some parents in Great Lumley did not get their choice of school, but this was due to their applications being late and not because the school was oversubscribed for the village. If the applications' had been submitted in a timely manner then all pupils in the village would have obtained a place at the school.

Ms C Strugnell, Senior Planning Manager at Bellway Homes addressed the Committee.

The application, which was a landscape-led scheme, was the result of three years' work. Local consultation had taken place in the spring of 2016 and the proposed development had received a welcome level of support. However, the developer had listened to local residents concerns and had reduced the number of proposed residential units from 86 to 70 and had also increased separation distances from Trent Crescent. Additionally, the developer had agreed to remove the hedgerow adjacent to Scorers Lane to achieve a traffic calming effect.

There were relatively few objections to the application and the developer would continue to work with the local community to address their Public Rights of Way concerns. The proposed development achieved the required level of affordable housing and would bring with it a £50,000 contribution to the community centre and £147,000 towards the provision of secondary school places in Chester le Street.

Councillor Richardson informed the Committee that he had attended the site visit the previous day and had been surprised by the size of the site. He was pleased

about the green infrastructure which was proposed for the middle of the development. The visibility splays at the proposed access were sufficient and surveys had actually demonstrated that traffic left the village faster than it entered the village. Councillor Richardson **moved** approval of the application.

Councillor Shield informed the Committee that he had been unable to attend the site visit. While the proposed development appeared to be an encroachment into the countryside, it was bounded on two of four sides by development. While he was pleased that the number of properties had been reduced following the consultation process, he was disappointed that no bungalows were being proposed, which he considered failed to plan for a future ageing population. Councillor Shield sought assurances that there would be no issues in the future regarding education provision for the area. The School Places and Admissions Manager replied that £147,000 Section 106 money had been secured to expand education provision at Chester le Street when this was required.

Councillor Shield **seconded** approval of the application.

Councillor Hicks informed the Committee that he had attended the site visit and he was impressed with the proposed layout of what appeared to be a good development. However, he was disappointed that no bungalows were being proposed. The Public Rights of Way on the site were being protected and access issues had been addressed. He was therefore in agreement with the Officer's recommendation.

Councillor Clare informed the Committee that the development had some negatives in that the north end of the site was raised and therefore would potentially be visually intrusive and also that the development would lead to a loss of public amenity space, although he appreciated that the public had no right to use it as such.

Councillor Clare considered that bungalows were not necessarily needed to cater for an ageing population if houses were designed as 'homes for life' to cater for the elderly and asked whether the proposed properties would be designed as such.

Councillor Clare informed the Committee that he was impressed by the spacious nature of the layout of the development which had been dictated by the water main which crossed the site. Councillor Clare referred to Condition 18 of the proposed permission which made reference to an Ecological Appraisal carried out in May 2017. An additional Ecological Appraisal had been carried out in September 2017 and this should be referenced. He also referred to paragraph 34 of the report and asked about a possible lack of control in terms of the SUDS adoption.

Ms Strugnell informed the Committee that the proposed properties would be built to DDA standards and as such would have some lifetime elements to them. However, they were not designed to be lifetime homes as Councillor Clare had referred to.

The Senior Planning Officer informed the Committee that Condition 18 in the proposed permission would be amended to reference the September 2017 Ecological Appraisal and also explained how the SUDS would work.

Resolved:

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

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

and subject to the conditions contained in the report, subject to Condition 18 being amended to refer to the September 2017 Ecological Appraisal.

b DM/16/03318/FPA - Land West of Wingate and South of Junction of A181 and Durham Road, Wingate

The Committee considered a report of the Senior Planning Officer regarding an application for the construction of 10 holiday lodges, access, associated landscaping, roadways, lighting, drainage and other services on land west of Wingate and south of Junction of A181 and Durham Road, Wingate (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs looking south from the A181 and proposed site layout.

Councillor Clare, in moving approval of the application, informed the Committee that tourism was a future building block for County Durham. He expressed surprise that there was no comment from the Coal Authority and sought clarity on this. Councillor Clare also referred to proposed Condition 15 of the permission which related to occupancy and informed the Committee that on previous applications such as this the condition had referred to an 11-month occupancy. For consistency Councillor Clare considered that this Condition should be amended.

The Senior Planning Officer replied that the proposed site was not within a high risk coal mining area and therefore the Coal Authority had offered no comment. With reference to Condition 15 the Senior Planning Officer informed the Committee that this was merely the way the condition had been written and could be amended to stipulate 11 months. N Carter, Planning and Development Solicitor added that there was more than one way to word a condition such as this and it was not felt necessary to impose a restriction on the totality of months that the lodges could be occupied.

Councillor Tinsley referred to the previous imposition of an 11 month occupancy rule and also the requirement for the maintenance of a register of the names of the owner-occupiers and questioned the reasonableness of this when the leaseholder

would be taking on the restriction and the freeholder the responsibility for maintaining such register.

The Planning and Development Solicitor informed the Committee that the requirement to maintain a register of occupancy was a standard condition. The proposed conditions relating to the register and the term of occupancy were in his view acceptable as outlined in the report, however, if Members wished, delegated authority could be given to Officers to look at this again in greater detail and amend if necessary, in consultation with the Chairman of the Committee.

Councillor Shield mentioned that he had seen a condition restricting occupation to 50 weeks of the year on other applications and for consistency was of the view that the same wording should be used here for Condition 15.

Councillor Nicholson, in seconding approval of the application, informed the Committee that the ability to attract more tourists was paramount, with tourist spend increased significantly when overnight stays were involved.

Resolved:

- (i) That the application be approved subject to the Conditions contained in the report;
- (ii) That delegated authority be granted to the Head of Planning and Assets to finalise the wording of Condition 15 as appropriate, in consultation with the Chairman of the Committee.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03958/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application with all matters reserved (other than access), for erection of up to 250 dwellings and associated infrastructure.
NAME OF APPLICANT:	Partner Investments
ADDRESS:	Land to the South East of Stewart Drive, Wingate, TS28 5PS
ELECTORAL DIVISION:	Wingate
CASE OFFICER:	Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a rectangular shaped parcel of land located adjacent to the village Wingate to the East of the County. The site extends to approximately 10.85 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 8m in a south easterly direction. The site is bound by agricultural fields to the north, which planning permission has been granted for a residential development. To the east of the site the Haswell to Hart former railway line and Countryside Walk is located, beyond which lies open countryside and the A19. To the west of the site, playing fields are located, beyond which lies Wingate. To the south of the site are agricultural fields and open countryside beyond. The site is served by an existing field access to the north onto Wellfield Road.
2. A public right of way (Footpath No.13, Wingate) extends across the middle of the site running in a north – south direction lined by a mature hedgerow. To the southern boundary of the site, two public rights of way (Footpath No.14 and 39, Wingate) extend in an east – west direction linking Caradoc Road to the Haswell to Hart former railway line which is also designated National Cycle Network Route 1 (NCN1).
3. The site is located approximately 800m to the south east of Castle Eden Dene Site of Special Scientific Interest (SSSI), National and Local Nature Reserve and Special Area of Conservation (SPA). The site lies 5.4km to the west of the Durham Coast Special Area of Conservation and within the Habitat Regulations Assessment impact buffer. Bracken Hill Wood, Local Nature Reserve is located 1.6km to the north of the site. The site does not lie within any designated landscape; however, an area of High Landscape Value lies approximately 800m to the east and north of the site. Castle

Eden Conservation Area, which contains a number of listed buildings, is located approximately 550m to east of the site.

The Proposal

4. This outline planning application seeks permission for the erection of up to 250 dwellings, including the means of access, with all other matters reserved. The application is presented as a phase 2 to an extant planning permission for 161 dwellings to the north of the application site (Phase 1). An indicative site layout has been submitted, which sets out that the dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road. It is indicated that there would be active frontages overlooking a central area of public open space, retaining the line of a public right of way. The vehicular access to the site would be taken off Wellfield Road, to the north of the site and would rely on the extant development for phase 1 to reach the site. SUDS drainage ponds are proposed to the eastern boundary of the site. 10% of the dwellings would be offered on an affordable basis.
5. This planning application is being reported to the Strategic Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 200 dwellings.

PLANNING HISTORY

6. Outline Planning permission was granted 2016 for the erection of up to 161 dwellings (CE/13/01568/OUT). A Reserved Matters application for 161 dwellings has been received and is currently pending consideration (DM/17/03229/RM). An associated application for drainage infrastructure in association with this residential development is also pending consideration.
7. Planning permission was granted in 2014 for the provision of green infrastructure to mitigate the impacts of the development on the Coastal and Castle Dene Special Areas of Conservation. This was amended through application DM/16/01565/NMA.

PLANNING POLICY

NATIONAL POLICY

8. 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’.
9. 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.

10. *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.
11. *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.
12. *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.
13. *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.
14. *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:

Easington District Local Plan 2001(EDLP)

22. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with a range sustainable development principles and criteria while benefiting the community and local economy.
23. *Policy 3 – Protection of the Countryside -* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
24. *Policy 14 – Protection of Special Areas of Conservation.* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
25. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* Development that is likely to affect Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNRs) will only be permissible if no alternative solution can be found and is in the national interest. Minimisation of the impacts and appropriate compensation is required where works affect SSSIs or NNRs.
26. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.
27. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
28. *Policy 19 – Management of Areas of Nature Conservation Interest -* Areas of nature conservation interest, particularly those of national importance will be protected and enhanced. Measures include, encouraging landowners to adopt sympathetic management regimes, creation of habitat in development proposals and controlling inappropriate development in accordance with policies 14-18.
29. *Policy 22 – Preservation and Enhancement of Conservation Areas –* Sets out that the Council will preserve or enhance the character and appearance or setting of conservation areas, by not allowing development which would detract from the character, appearance or setting of the conservation areas including protecting important views into and out of conservation areas.

30. *Policy 24 – Protection of Listed Buildings.* - Sets out that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
31. *Policy 35 – Design and Layout of Development* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
32. *Policy 36 – Design for Access and the Means of Travel* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
33. *Policy 37 – Design for Parking* - The design and layout of parking should seek to minimise the level of parking provision.
34. *Policy 39 – Design for Art* - Encourages the provision of artistic elements in the design and layout of development.
35. *Policy 66 – Provision of Outdoor Play Space* -This policy requires developers to provide adequate provision for children’s play space and outdoor recreation space in new major housing developments
36. *Policy 74 – Footpaths and Other Public Rights of Way* – Sets out that public rights of way should be improved, maintained and protected from development. Suitably landscape alternatives to public rights of way should be provided where impacted on by a development.
37. *Policy 75 – Provision for Cyclists and Pedestrians* – Sets out that provision for cyclists and pedestrians will be reviewed to establish a programme to provide safe and convenient networks within settlements which, together with other appropriate facilities, encourage cycling or walking journeys to work, town centres, transport interchanges.

RELEVANT EMERGING POLICY:

The County Durham Plan

38. 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> (Easington District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Castle Eden Parish Council* – Raise concerns regarding the impact of the development on the operation of the A19 flyover/junction which currently experiences queuing traffic.
40. *Highway Authority* - It is advised that the location of the access point and the proposed access arrangements approved under the extant consent for phase 1 would represent an appropriate access into the site and approved development and would not adversely impact on highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and highway improvement works to mitigate the impact of the development are proposed at the A181/A19 junction and A181 Wellfield Road. It is advised that the proposed mitigation works are deemed acceptable and implementation should be secured by condition.
41. *Highways England* – Following amendments to the Transport and the Assessment and detailing of proposed mitigation works, no objections are raised subject to the carrying out of a stage one road safety audit before the mitigation works are implemented.
42. *Natural England* – Offer no objection subject to the delivery of the proposed HRA mitigation Strategy (subject to securing finer details including a maintenance regime), without this the development would have an adverse effect on the integrity of European Designated Sites. Additional standing advice is offered in respect of landscape impact, loss of agricultural land, protected and priority species and environmental enhancements.
43. *Drainage and Coastal Protection* – Advise that the submitted strategy to deal with the proposed methods of attenuation of surface water from the site through SUDS, is broadly acceptable subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme alongside any reserved matters application.
44. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition, whilst advising a rising main crosses the site which may impact upon the final layout of the development.

INTERNAL CONSULTEE RESPONSES:

45. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan, in this case the Easington District Local Plan (EDLP). The site is located beyond the 'limits to development' for Wingate as defined by Policies 1 and 3 of the EDLP, the development of the site would conflict with these Policies.
46. 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. Furthermore relevant policies, including those relating to settlement boundaries, should be considered out of date where they rely on out of date information. Therefore, in the absence of up to date adopted development plan policies 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 EDLP.

47. 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. Wingate is a tier 2 settlement, however concerns are raised regarding the degree of separation to the existing settlement and the potential reliance on the private motor car to access services and amenities.
48. *Landscape* – It is advised that the proposals would involve a relatively substantial incursion of built development into open countryside east of Wingate, however this would relate reasonably well to the existing form of the village. The proposals would have some adverse impact on the character of the local landscape but those effects would be localised, with limited visibility in the wider landscape. The proposals would have some adverse effects in views from nearby footpaths which could be mitigated in time by tree and woodland planting.
49. *School Places and Admissions Manager* – Advises that a development of 250 dwellings could generate an additional 75 primary pupils and 30 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 (infant and junior) would need to be increased to accommodate the additional demand. A contribution of £715,540 is sought to deliver the increased primary capacity. There would be sufficient capacity in secondary schools.
50. *Sustainability* – Advise that local services in the vicinity of the site are quite dispersed, however they are generally still within walking distance. The upgrading of the public footpath network to the east is considered essential to ensure residents are able to access services and reduce dependency on private transport. Issues around the implications of the Habitat Regulations should be taken into account in the planning balance.
51. *Archaeology* – Advise that a geophysical survey has been submitted and any reserved matters application should be supported by further investigation through trial trenching.
52. *Housing Delivery* – Advise that the scheme should provide a minimum of 10% affordable housing with a preference of 25% affordable rent and 75% affordable home ownership.
53. *Access & Rights of Way* – Identify that a public right of way passes through the site (Footpath no.13 Wingate) and adjacent to the southern boundary (Footpaths no.14 and no. 15 Bishop Auckland). The development would impact on these public rights of way through increased use and rely upon them for accessibility to services and wider access routes and therefore improvements to the surfacing should be brought forward.
54. *Ecology* – Advise that the conclusions of the submitted Ecological Appraisal are sound and the development is unlikely to impact on any protected species on or in the vicinity of the site subject to mitigation proposed. It is therefore recommended that a detailed scheme for ecological enhancements is submitted for approval alongside a reserved matters application to ensure deliverability and address habitat loss on site. It is identified that the site is within proximity of the Castle Eden and Durham Coast Area of special conservation and therefore in order to mitigate its impact through increased recreational activity, the proposed mitigation area consisting of tree planting and walkways for recreational purposes should be brought forward, subject to agreeing the finer details including management of the area.

55. *Environmental Health and Consumer Protection (Air Quality)* – Advise that a screening assessment to determine the impact of the development on existing levels of air quality pollutants from increased traffic volumes on surrounding roads has been carried out. This concludes that predicted levels of air quality are below relevant objectives. The outcome of the assessment therefore determined that the proposed development will not have a significant impact on the existing air quality. A travel plan should however be implemented to encourage other forms of transport. It is advised that dust management plan should be adopted during the construction phase.
56. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that a Geo-environmental Desk Study Report has been submitted in support of the application. Due to the fact that the development constitutes a change of use to a more sensitive a conditional approach to land contamination is recommended.
57. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures indicated within the submitted noise assessment reports to protect future residents from noise sources. It is advised that existing farming enterprises would be unlikely to cause any disturbance or statutory noise nuisance. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
58. *Sustainable Transport* – Advise that Wellfield Road is served by frequent services which provide good links to local and regional centres. However, approximately 2/3rd of the site lies outside of the minimum 400 metre walking distance to the nearest bus stops. Although parts of the site are within walking range suitable direct links should be provided, to bus stops and existing facilities. The development should provide links to the National Cycle Network to the east of the site, whilst improvement to the surfacing of this route and other public rights of way should be secured to mitigate the impacts of the development and secure links to services and amenities.
59. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation

NON -STATUTORY RESPONSES:

60. *Police Architectural Liaison Officer* – Offers layout advice any new development should accord to whilst highlighting that existing public rights of way should be overlooked.

PUBLIC RESPONSES:

61. The application has been publicised by way of press notice, site notice, and individual notification letters. 11 representations have been received.
62. 8 letters of objection from local residents have been received. The issues raised are summarised below:
 - No need for new housing, there is already housing for sale in the area, whilst there is an extant permission and other planning permissions within the vicinity of the site. There are more sought after areas within Durham.
 - Development should be on brownfield land where there is an adequate supply.
 - The development would result in an increased number of vacant properties within the town centre, impacting on the visual amenity of the village.
 - Capacity of doctors and dentists to accommodate the development and waiting times for an appointment.
 - Lack of services and amenities to serve the development.

- The existing schools could not accommodate the pupils generated from the development.
- The development will cause increase traffic, in combination with the existing approval, existing congestion exists on the network including on the A19. The bridge on Wellfield Road is not strong enough to accommodate additional traffic.
- There should be no highway access onto Martindale Walk/Stewart Drive, this would impact on highway safety, particularly in relation to playing children.
- Concerns regarding the soundness of the transport assessment are raised.
- Impact on the Public Rights of Way network, and recreational facilities in the area. Increase in dog walkers increase pollution and littering problems.
- Loss of productive agricultural land, visual impact and encroachment into the countryside.
- Impact on wildlife/ecology, particularly in relation to farmland birds and newts.
- Concerns on the impact of crime a large housing estate could cause through different access points.
- Potential increase in flood risk.

63. *Councillor Leo Taylor (Wingate)* – Objection to the development on the basis of existing number of houses for sale within Wingate along with the extant development of 161. It is highlighted that the local schools cannot accommodate any additional children, whilst the doctor surgery cannot accommodate any more patients. It is also highlighted that there are limited services and amenities, no banks, no reasonable supermarket whilst the access from the site to Durham and Peterlee would be unsafe.
64. *Campaign to Protect Rural England* – Raise concerns regarding the in relation to mitigation secured under the extant planning permission to the north of the site. The development may therefore impact on the Castle Eden Nature Reserve. It is considered that the development conflicts with policy 3 of the EDLP which should be afforded full weight in the decision making process.
65. *Ramblers Association* – Welcome the developer's proposal to retain Footpath 13 through the site on its present alignment with most of its length being through a landscaped area free from vehicular traffic. This is in line with the guidance given in the NPPF and government guidance.

APPLICANTS STATEMENT:

66. The principle of the development has been considered acceptable by officers through the valuable contribution it makes towards housing supply and as a result of the site's location within a Tier 2 settlement, this identifying it as a suitable location for residential development by the Council's own evidence base, due to the services on offer. The proposed development has been designed to fully comply with the provisions of the Framework and relevant saved Local Plan policies, and proposes a number of benefits, including significant ecological enhancements and infrastructure improvements, as such it can be considered a sustainable development.
67. The concept has been carefully developed to respond to the site context, opportunities and constraints and provides a logical growth to that previously approved.
68. The exciting proposal offer a chance to provide a much needed scheme for housing, matching the character and nature of the surrounding properties and integrating successfully into the surrounding landscape. The proposals will directly respond to the defined housing need, with the Council unable to demonstrate a five year housing land supply. The proposals will be complemented by a package of measures to improve local open space, manage traffic impacts and encourage the use of sustainable modes of

transport. The scheme performs a positive economic, social and environmental role in Framework terms.

69. We hope that the case officer's recommendation can be followed to ensure that this acceptable scheme is approved without delay.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O12O4RGDKFH00>

PLANNING CONSIDERATIONS AND ASSESSMENT

70. 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, heritage impacts, other matters and planning obligations.

The Principle of Development

The Development Plan

71. 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 Easington District Local Plan (EDLP) 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.
72. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

73. 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.

74. 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.
75. 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.
76. 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 EDLP are out-of-date where outlined below.

Five Year Housing Land Supply

77. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.
78. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
 - 1,533 dwellings per annum (29,127 houses by 2033)
 - 1,629 dwellings per annum (30,951 houses by 2033)
 - 1,717 dwellings per annum (32,623 houses by 2033)
79. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
80. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
81. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
82. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.

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

Assessment having regards to Development Plan Policies

84. Saved Policy 1 of the EDLP sets out general principles of development, which includes requiring at criteria i) locating development within defined settlement boundaries except where development in the countryside would be allowed by other policies in the plan. EDLP Policy 3 sets out that development limits are defined for settlements and development beyond would be restricted other than specifically allowed by other policies. The development of the site for residential purposes would conflict with these Policies.
85. EDLP Policies 1 i) and 3 are considered broadly consistent with the NPPF which seeks directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside and allowing appropriate development within it. The NPPF does not prevent a local planning authority from defining settlement boundaries; however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Policies 1 (i) and 3 are not specifically considered policies for the supply of housing (in line with recent appeal decisions) as they deal with general development, however they are considered out of date as the application of settlement boundaries is based on out of date evidence. As a result they can only be afforded limited weight in the decision making process.
86. Remaining policies within the EDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development and are considered within this report.

Conclusion on Principle of Development

87. The development of the site for housing would, in principle, be contrary to EDLP Policy 1 (i) and Policy 3. However, EDLP policies in relation to establishing settlement boundaries are out of date given the age of evidence which informed them. 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, which in this case is to a limited level. 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 in the Paragraph NPPF 14 test.

Locational Sustainability of the Site

88. EDLP Policies 1, 35 and 74 and 75 encourage safe and attractive footpath and cycle way links between residential areas and facilities whilst seeking to improve and maintain existing links. These Policies are considered to be consistent with the NPPF in this respect. Paragraphs 17, 30, 34 and 35 of the NPPF set out that patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Furthermore, Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. Full weight should therefore be afforded to these Policies in the decision making process.

89. Wingate and the adjoining Station Town is recognised as a smaller town and larger village in the Council's Settlement Study 2012 acting as a localised centre due with a reasonable array of services. These include a nursery, infant, junior and secondary schools, doctor surgeries and health centres. It is, however, recognised that there are limited employment and retail opportunities within the village and there would be a reliance on travel to larger centres to access these. In terms of the scale of the development in relation to the settlement, as highlighted above planning permission has been granted for the erection of 161 dwellings (Phase 1), which was reflected as a housing commitment in the now withdrawn County Durham Plan, with no further allocations proposed. Taking into account the extant consent, the erection of an additional 250 dwellings is considered to represent a significant addition to the settlement (18% increase). However, due to the array of services within Wingate and Station Town it is considered that this in itself would not be a reason to refuse the application, the capacity of relevant facilities is considered elsewhere in the report.
90. The proposed development would adjoin the approved development to the north, where it would be directly linked by a single vehicular access extending up to Wellfield Road and Martindale Walk, through the previously approved development. A pedestrian link would adjoin the line of a PROW which is indicated to be retained in its current north- south alignment. To the east the scheme proposes to link onto the NCN, while to the west, links to the existing public right of way network would provide access to the services and amenities within Wingate/Station Town. There would, however, be separation between the development and the existing built edge of the settlement due to the presence of playing / outdoor sport fields associated with Wellfield School and the unlit, unsealed nature of public rights of way connections.
91. In relation to distances to services and amenities within Wingate, when measured centrally to the site, a distance of 1400m is evident to the nearest infant school, 1020m to the nearest junior school and 700m is evident to the nearest secondary school. The nearest GP and health centre located approximately 1750m. A distance of 950m is evident to the main food retail store within the village (Co-op) and 890m to the nearest post office.
92. When considering these figures, it is noted that the majority of distances are either within the 'Acceptable' or 'Preferred Maximum' distances that residents may reasonably be expected to walk, as set out in the Institution of Highways and Transportation "Providing for Journeys" document. However, some facilities would lie beyond the 'Preferred Maximum', which is primarily as a result of the strung out nature of Wingate/Station Town. There would be no bus stops within the site, with the main bus routes located along Station Road/North Road to the east and Wellfield Road to the North. Although these bus routes are well served a significant proportion of the site would be beyond the generally accepted 400m walking distance, thereby reducing the attractiveness of the services. As highlighted, the development relies on the existing public right of way network to access the above amenities and transport links, however, at present, these predominately consist of unsurfaced 1.5m wide unlit footpaths. Concerns are therefore raised, that future residents of the development would rely on the private motor car to access services and amenities. This should be considered an adverse impact in the planning balance.
93. In order to address this matter and to mitigate the impact of the development on the public right of way network through increased usage, the applicant has agreed an

offsite contribution of £160,000, which would allow widening and resurfacing of the immediate public right of way network including the lighting of a stretch of right of way between Gully Road and the development site. These improvements would also allow increased and more attractive walking and cycle links to Wingate and beyond. A separate contribution of £84,000 is also offered to allow resurfacing of the Haswell – Hart (NCN1 cycle way) to the east of the site to allow more attractive cycle access towards Peterlee Industrial Estate. These contributions, and the provision of these improvements, are considered consistent with the objectives of EDLP Policies 1, 35 and 74 and 75, which seek to improve the public rights of way and cycle network to encourage sustainable travel, particularly between settlements. This would also go some way towards the development achieving the objectives of Paragraphs 17 and 61 of the NPPF, in encouraging alternative transport methods and integrating development into existing settlements. It is also recommended that a condition is imposed to secure the implementation of the highway infrastructure of the phase 1 scheme to the north as this provides the majority of the necessary links, along with a condition requiring the submission of an appropriate travel plan for the site. The contributions would be secured through a planning obligation under S106 of the Town and Country Planning Act 1990

94. Overall, it is considered that, subject to the contributions to deliver improved pedestrian links and cycle links, future residents would have alternative options to the private motor car to access services and amenities. It is considered that this mitigation would also reduce the level of harm identified above to below an adverse level. Therefore, on balance, it is considered that the development would, in this respect, accord with EDLP Policies 1, 35 and 74 and 75 and Paragraphs 30, 34, 35 and 61 of the NPPF. The scheme relies upon the extant Phase 1 scheme to the north of the site to deliver connections to the services and amenities. It is therefore considered that a grampian condition is required to prevent the commencement of development until the highways infrastructure associated with the extant permission is implemented.

Landscape and visual impact

95. EDLP Policies 1 (i) and 3 seek to protect the visual amenity and openness of the countryside by setting development limits around existing settlements, and restricting developments unless under special circumstances. As set out above, although these Policies are considered broadly consistent with the NPPF, they do not rely on up to date evidence, and as such, they are considered out of date and can therefore only be afforded limited weight. EDLP Policies 35 and 1(iv) seek to promote a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and have no serious effect on visual intrusion. These Policies are considered consistent with the NPPF and can be afforded full weight.
96. The development would result an incursion into open countryside, however, it is advised by the Council's Landscape officers that this would be read as a relatively compact urban extension. With the development of land to the north, the site would be bounded by urban land uses roughly on two sides. The eastern edge of the development would be formed by a strong boundary: the vegetated course of the railway walk. The southern edge of the development would be formed by a strong boundary, the proposed wooded HRA mitigation land. It is, however, identified that, this would take approximately 10-15 years to become effective.
97. Landscape officers also advise that the landscape east of Wingate is broadly of medium sensitivity to this kind of development, being attractive but unremarkable countryside with some local value, forming the immediate setting of the village and giving access to the countryside on the footpath network. It is advised that the effects

of the proposals on the local landscape in the round as being of a medium magnitude (moderate significance) falling to a low-medium magnitude within around 10-15 years.

98. It is also advised that the proposals would not have any significant effects on the wider landscape. The East Durham Plateau County Character Area and Central Plateau Broad Character Area are settled landscapes of medium sensitivity to this kind of development. The effect of the proposals would be highly localised and therefore of a low magnitude and minor significance.
99. EDLP Policies 1 (i) and 3 seek to protect the visual amenity and openness of the countryside by setting development limits around existing settlements restricting developments unless under special circumstances. The development would conflict with these Policies as a result of the development an extension beyond the established settlement edge. However, the visual impact of the visual impact is relatively localised, while views of the site would largely be set against the backdrop of existing / approved housing development or existing or proposed vegetation. The indicative layout sets to retain existing landscape features, including a mature hedgerow in accordance with EDLP Policies 35 and 1(iv). On the advice of Landscape officers it is considered that overall the development would still amount to adverse landscape harm and therefore this impact needs to be considered within the wider planning balance. The scheme relies upon the extant Phase 1 scheme to offset its visual impact, and in isolation would not be considered acceptable. It is therefore considered that a grampian condition is required to prevent the commencement of development until sufficient amount of Phase 1 has been is implemented.

Layout and Design

100. EDLP Policies 1(iv) and 35 seek to promote a high standard of design and landscaping which relates well to the natural and built features of the site 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 in this respect.
101. 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.
102. It is recognised that the application is in outline form, however an indicative layout has been submitted which demonstrates that development could be achieved on site with an acceptable density (24 d/ha) and layout. Limited vegetation would need to be removed to facilitate the development whilst the subject to detailing a suitable landscape scheme in any reserved matters application, this would be acceptable and would appropriately relate to the urban environment as advised by the Council's Landscape officers.
103. EDLP Policy 39 states that the Council will encourage the provision of artistic elements 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 Policy 39. The Policy is considered partially consistent with the NPPF and can be afforded weight. It is considered that the provision of artistic elements could be secured on the site to be secured by condition, to be delivered within the public open space.

104. Overall, it is considered that the indicative layout has the potential of creating an attractive development that subject to further scrutiny at reserved matters stage could 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 EDLP Policies 1(iv) and 35 and Paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

105. EDLP Policies 1 (iii), 36 and 37 require that development proposals achieve a satisfactory means of access onto the wider highway network, seek to protect highway safety in terms of vehicle movements and traffic generation. These Policies are 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. 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 and the resultant impact on highway safety have been raised by local residents.
106. The proposed development would be served by a two vehicular accesses. One off Wellfield Road to the north and the second off the existing housing development of Martindale Walk to the west (via the highway network of the approved scheme to the north). The Highway Authority has advised these access points are suitable to serve the cumulative traffic generated by both development sites, subject to the bringing forward improvements at the Wellfield Road Access (to include a 6.75m wide carriageway, 10 Kerb Radii, 1.8m wide footway and relocating an existing bus stop and shelter) as approved on the consent to the north. As the access to the development relies on the extant scheme, which has yet to be implement (but a reserved matters application has been submitted) a condition requiring that development must not commence until the development to the north is built out would be required. It is also considered that in order to align with the reserved matters for stage 1 that access shall remain a reserved matter for future approval.
107. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area and mitigation is proposed to signalise the junction of Wellfield Road with the A181 and to signalise (and remove the mini roundabouts) of the A19 southbound junction with the A181.
108. The Council as Highway Authority and Highways England agree with the methodology contained in the submitted Transport Assessment (as amended) to assess the traffic impact of the development. It is advised that the mitigation proposed would result in the junctions operating satisfactorily with the added flows of the development. A condition to deliver this mitigation, before the occupation of the 30th dwelling is recommended.
109. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while subject to mitigation the development would have some impact on the wider highway network. The scheme is considered to accord with EDLP Policies 1 (iii), 36 and 37 in this respect and Part 4 of the NPPF. The scheme relies the extant Phase 1 scheme to the north of the site to deliver connections to the services and

amenities. It is therefore considered that a Grampian condition is required to prevent the commencement of development until the highways infrastructure associated with the extant permission is implemented.

Ecology

110. EDLP Policies 14, 15 16, 18 and 19 seek to protect sites of nature conservation importance, and protected species and their habitats whilst seeking to promote the creation of habitats within in developments. These Policies are considered consistent with Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, whilst seeking to archive a biodiversity gain.
111. Furthermore under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), the Council must assess the possible effects of a plan or project on any sites. The term Habitats Regulations Assessment (HRA) has come into use for describing the overall assessment process including screening and the specific Appropriate Assessment stage.
112. A number of European Protected Sites are within a 15km radius of the application site. These sites are the Castle Eden Dene Special Area of Conservation (SAC), Durham Coast SAC, Northumbria Coast Special Protection Area (SPA), European Marine Site and Ramsar Site and Teesmouth and Cleveland Coast SPA and Ramsar site. These sites vary in distance from the site from between 0.8km to 7.9km.
113. In considering whether the application requires an appropriate assessment under The Habitats Regulations an assessment for the potential for significant effects on the relevant sites is made. In this instance those relevant sites are the abovementioned SACs and SPAs. The Habitats Regulations assessment also applies to the special features of the Ramsar sites identified above. The key potential effects of the development proposal upon these sites are; the degree of habitat and species disturbance through an increase in recreational pressure; potential for detrimental impacts on air quality; potential for detrimental impacts on water quality; and potential hydrology impacts.
114. The application proposes the delivery of green infrastructure in the form of a 7.8ha parcel of managed landscaped parkland area, with formal pathways. This would provide mitigation by providing recreational space with the intension to divert potential users away from the European sites. This HRA mitigation area would also supersede the mitigation works secured on phase 1 (including footpath resurfacing and hedgerow planting)
115. The judgement of Durham County Council as competent authority is that the effects of the development will not be significant upon the potentially affected sites and as a result an appropriate assessment under The Habitats Regulations is not required. This is subject to securing the finer detailing of the mitigation area (including the provision of additional hardstanding pathways, a planting schedule and a future maintenance regime, including the removal of dog waste from the site) and its subsequent delivery. Natural England raise offer no objection to application advising that subject to the delivery of the proposed HRA mitigation the integrity of European Designated sites would not be adversely. The submitted Ecological Impact Assessment considers the potential for the development to affect protected species and Biodiversity Action Plan (BAP) Species, including, bats, birds and newts. The report concludes that the risk of the development impacting on such species is low, but as a precaution mitigation measures are proposed, including the restriction on working practice (including limiting

vegetation removal to specific times) are proposed. Compensatory and habitat creation is proposed to be delivered within the open space areas of the development site and alongside a proposed buffer to the eastern site boundary.

116. The Council's Ecology officer advises that the findings and conclusions the submitted ecology report are sound, however it is recommended that in order to ensure a net biodiversity gain is achieved a detailed scheme for ecological enhancements is submitted for approval alongside a reserved matters application to ensure deliverability and address habitat loss on site. Overall subject to this condition and the implementation of the HRA mitigation area the development is considered to accord to EDLP Policies 14, 15, 16, 18 and 19 and Part 11 of the NPPF in this respect.

Residential Amenity

117. EDLP Policies 1 (Viii) and 35 require the design and layout of development to have regard to the amenity of those living or working in the vicinity and take into account existing land uses. 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.
118. The indicated site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings could be achieved as advocated in the EDLP. The development would increase the comings and goings of vehicles utilising the access points onto Martindale Walk and Wellfield Road, and to a lesser degree pedestrian movements which would have an impact on the amenity of existing residents. However, such impacts are considered to not be significant as to would warrant refusal of the application and would be typical of existing arrangements on residential estates within Wingate and the wider County. 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.
119. 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.
120. The development would be located in proximity of a number of noise sources, including the surrounding highway network (including the A19) and existing Farming uses. 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 to 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. Further details would be provided in support of any reserved matters application. It is also advised that it would be unlikely that existing farming operation would be impacted upon, given the formation of the separation distances (210m to Catchgate Farm) and existing buffers including the vegetation lining the Haswell Hart railway line.
121. Overall, the scheme would comply with EDLP Policies 1 (Viii) and 35 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and subject to mitigation the amenity of future residents would be protected.

Flooding Risk and Drainage

122. 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.
123. 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 retention basins to capture surface water in 1 and 100 year flood events to discharge to existing water courses at greenfield run-off rates. The scheme also proposes the implementation of swales, drainage channels and porous paving, which would help treat and improve water quality before being discharged to the retention basin and then 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.
124. In relation to foul water, it is proposed to connect via a pumping station to the existing sewerage network, to which Northumbrian Water raise no objections, subject to detailing the design of the layout.
125. 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 regard to Part 10 of the NPPF.

Heritage Impacts

126. Policies 22 and 24 of the EDLP seek to protect and enhance Conservation Area and the character, appearance and setting of listed buildings. These policies are considered largely consistent with the NPPF which at Part 12 seeks to protect heritage assets proportionate to their significance. Castle Eden Conservation Area, which contains a number of listed buildings is located approximately 550m to east of the site. However, the site would have no direct inter-visibility with this heritage asset, principally due to the surrounding land topography and separation with by the A19 and there would be no harm in this respect.
127. 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. The results of which need to be tested through trial trenching would need to be submitted in support of any reserved matters application, as advised by the Council's Archaeology officer. This mitigation would satisfy the requirements of EDLP Policy 1 (vi) and Paragraph 128 of the NPPF resulting in no harm to any archaeological interests.

Other Matters

128. 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 in order to accord with Policy 1 (ix) of the EDLP and Part 11 of the NPPF

129. The applicant has submitted an Air Quality Impact Assessment which considers 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 Policy 1 (viii) of the EDLP and Part 11 of the NPPF.
130. 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.
131. No response has been received from the NHS regarding potential capacity issues within the Bishop Auckland Area. It is however, noted that are GP surgeries that could serve the development.
132. EDLP Policy 1(v) seeks to protect best and most versatile agricultural land. This Policy is consistent with NPPF Paragraph 112 which states that local planning authorities 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 18.3ha of agricultural land (taking into account the development site and the required HRA mitigation area. A site specific investigation into the land classification in relation to the application site accompanies the application setting out that the land is classed as grade 3b, therefore not best and most versatile.
133. No assessment has been taken of the HRA mitigation area, however given that this area directly adjoins the application site it is considered likely that this land would fall into the same classification. Notwithstanding this 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 potential best and most versatile agricultural land (7.8ha) that would be lost is not significant, it is nonetheless an adverse impact which should be given weight in the planning balance.

Planning Obligations

134. 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 250 dwellings would be expected to generate 75 primary and 30 secondary pupils.
135. Wingate Junior Infant and Wingate Junior School make up the Primary School provision in Wingate. When taking into account existing permissions in the area and expected school rolls, both the Infant and Junior school would need to be expanded to accommodate pupils generated by the development. Feasibility work has been

undertaken by the applicant to demonstrate that the Infant school, in particular, could be expanded by an additional classroom over and above the classroom secured under phase 1. The junior school would require to be expanded by two classrooms which would be achievable given the relatively large amount of land available. Based on the Council's policy in relation to securing developer contributions towards education provision, a contribution of £715,540 would be required to mitigate the developments impact in this respect. This would be secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990. Sufficient capacity exists at Wellfield Community School to accommodate the additional secondary school aged pupils generated by the development.

136. 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, equating to 25 units. The applicant has agreed to provide this requirement on site, with the makeup and nature of the units to be agreed at a later date through a S106 agreement.
137. EDLP Policy 66 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.
138. The OSNA sets out the requirements for public open space and recreation provision 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. In this instance the site layout indicates that a minimum of 1.2ha of amenity open space and semi natural green space would be made available on site. Therefore in order to mitigate the developments impacts based on OSNA targets an offsite contribution of £369,000 would be required to maintain and enhance existing facilities. The contribution would be secured through a planning obligation secured through S106 of the Town and Country Planning Act 1990. In addition to this, due to the lack of formal child play space facilities within Wingate a condition to secure a 1200sqm provision on site is recommended. The applicant has agreed to the obligations and requirements in this respect.
139. 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, however, in the absence of specific policy requirements in this regard, such an obligation is considered voluntary.

Planning Balance

140. 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

141. In light of the recent Government consultation document entitled “Planning for the Right Homes in the Right Places” and the likely change to the Council’s position on five year land supply, the weight given to this boost in housing supply is marginally reduced but still carries weight in favour of the proposals nonetheless. Ultimately, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if the Issues and Options scenario was still being relied upon.
142. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.
143. The development would provide a range of house types including up to 25 affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

144. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Limited visibility in the wider landscape and planting would help reduce the visual impact of the scheme as a whole
145. 7.8ha of land required to be taken out of an agricultural use for HRA mitigation has the potential to be classed as best and most versatile farmland, however it is considered that the loss of this quantum of land would not result in a significant adverse impact.

CONCLUSION

146. It is concluded that development would conflict with EDLP Policies 1 i) and 3 representing development beyond settlement boundaries in the open countryside. 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 policies, that the presumption in favour of sustainable development is engaged and the 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.
147. It is identified that the development would result in adverse landscape harm developing a greenfield site and extending to the built development into the countryside. The development could result in the potential loss of best and most versatile agricultural land. However Due to the sites limited visibility in the wider landscape and limited amount of land, 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 EDLP policies.

148. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards education capacity, provision of affordable housing, off site sporting and recreation provision, upgrading of public rights of way and resurfacing of an adjacent cycle route are considered necessary for the development to be considered acceptable and therefore meet the relevant tests.
149. 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.
150. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

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

- 10% Affordable Housing,
- £369,000 for offsite recreation and sporting provision
- £715,540 primary education contribution;
- £84,000 for improving cycling links in the area
- £160,620 for improving the public rights of way network in the area

Voluntary contributions:

- Provision of a voluntary targeted recruitment and training/local labour scheme.

The following conditions:

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

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

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

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 250 dwellings.

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

4. No development shall commence until the highway infrastructure approved under planning applications CE/13/01568/OUT and DM/17/03229/RM has been fully implemented, this shall include internal public highway roads, vehicular and pedestrian links to Martindale Walk, Wellfield Road (as per plan C001 rev C) and pedestrian/cycle links onto the Haswell Hart walkway.

Reason: In order to achieve an acceptable means of access for the site, in the interests of highway safety and in order to deliver sustainable transport options and in the interests of the visual amenity of the surrounding area. In accordance with Policies 1, 35 and 75 of the Easington District Local Plan and Parts 4, 7 and 11 of the National Planning Policy Framework. Required to be a pre commencement condition as the development relies on the delivery of infrastructure of the adjacent site.

5. No development shall commence until detailed scheme of ecology mitigation based on the principles set out in the Habitat Regulations Assessment Screening Report, Dated October 2017 has been submitted to and approved in writing by the Local Planning Authority. The scheme of ecology mitigation shall include (but not inclusive), a schedule of planting, provision of additional hardstanding footpaths and a future maintenance regime for the site for the lifetime of the development (including the collection and removal of dog waste). The ecology mitigation scheme shall thereafter be completed in accordance with approved details and be brought into use prior to the occupation of the first dwelling hereby approved.

Reason: In order to mitigate the impacts of the development on surrounding European Protected sites, in accordance with Policies 16, 18 and 19 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework. Required as a pre commence condition as the impacts of the development on protected site need to be mitigated before additional pressures are added.

6. The development and any subsequent reserved matters application shall take place in accordance with the ecological enhancement recommendations and mitigation measures detailed within the Ecological Impact Assessment, November 2016, version R03, Breeding Bird Survey, November 2016, version R02 and Great Crested Newt Survey, November 2016, version R03.

Reason: To minimise impacts on biodiversity and provide net gains in biodiversity in accordance Policies 16, 18 and 19 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

7. No development shall commence until a detailed scheme of highway improvement works for the A181/A179 and A181/Wellfield Road junctions, based on the principles as set out on plan no. C003, Rev E, has been submitted to and approved in writing by the Local Planning Authority following a Stage 1 Road Safety Audit. The approved scheme shall thereafter be completed in accordance with the approved details prior to the occupation of the 50th dwelling hereby approved.

Reason: In order to mitigate the impact of the development on the wider highway network in accordance with Easington District Local Plan Policies 1 (iii), 36 and 37 and Part 32 of the National Planning Policy Framework. Required to be a pre commencement condition to ensure that the scheme is agreed and delivered before the development impacts on the highway network.

8. Notwithstanding the submitted information, any reserved matters application shall make provision for the formation of a formal child's play area measuring a minimum of 1200sqm in area. Thereafter no dwelling hereby approved shall be occupied until the full details of the play area including the equipment to be installed, details of hard and soft surfacing, details of any enclosures and a maintenance regime for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The play area shall be installed and fully brought into use and maintained in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: In order to ensure that future residents are served by appropriate levels of sporting and recreation provision and to mitigate the impacts of the development in accordance with Easington District Local Plan Policy 66 and Part 8 of the National Planning Policy Framework.

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 1 of the Easington District Local Plan and Parts 4 and 10 of the National Planning Policy Framework

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 1 of the Easington District Local Plan and Parts 4 and 10 of the National Planning Policy Framework

11. A detailed scheme for the management and disposal of surface water and foul water from the development based on the principles set out in the Flood Risk Assessment and Surface Water Management Strategy Date August 2016, Revision C shall be submitted to and approved in writing by the Local Planning Authority in support of any Reserved Matters Application. The drainage strategy shall 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.

The development shall thereafter be carried out in accordance with the approved details.

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

12. 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 and maintained in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy 39 of the Easington District Local Plan and Part 7 of the National Planning Policy Framework.

13. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise assessment report compiled by Wardell Armstrong NT12528 report No. 002 dated November 2016 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with Policies 1 and 35 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

14. 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 National Planning Policy Framework. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.

15. 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.

16. 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.

17. 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 EDLP Policy 1 (vi) Paragraphs 135 and 141 of the National Planning Policy Framework. Required as a pre commencement condition to protect any archaeological remains

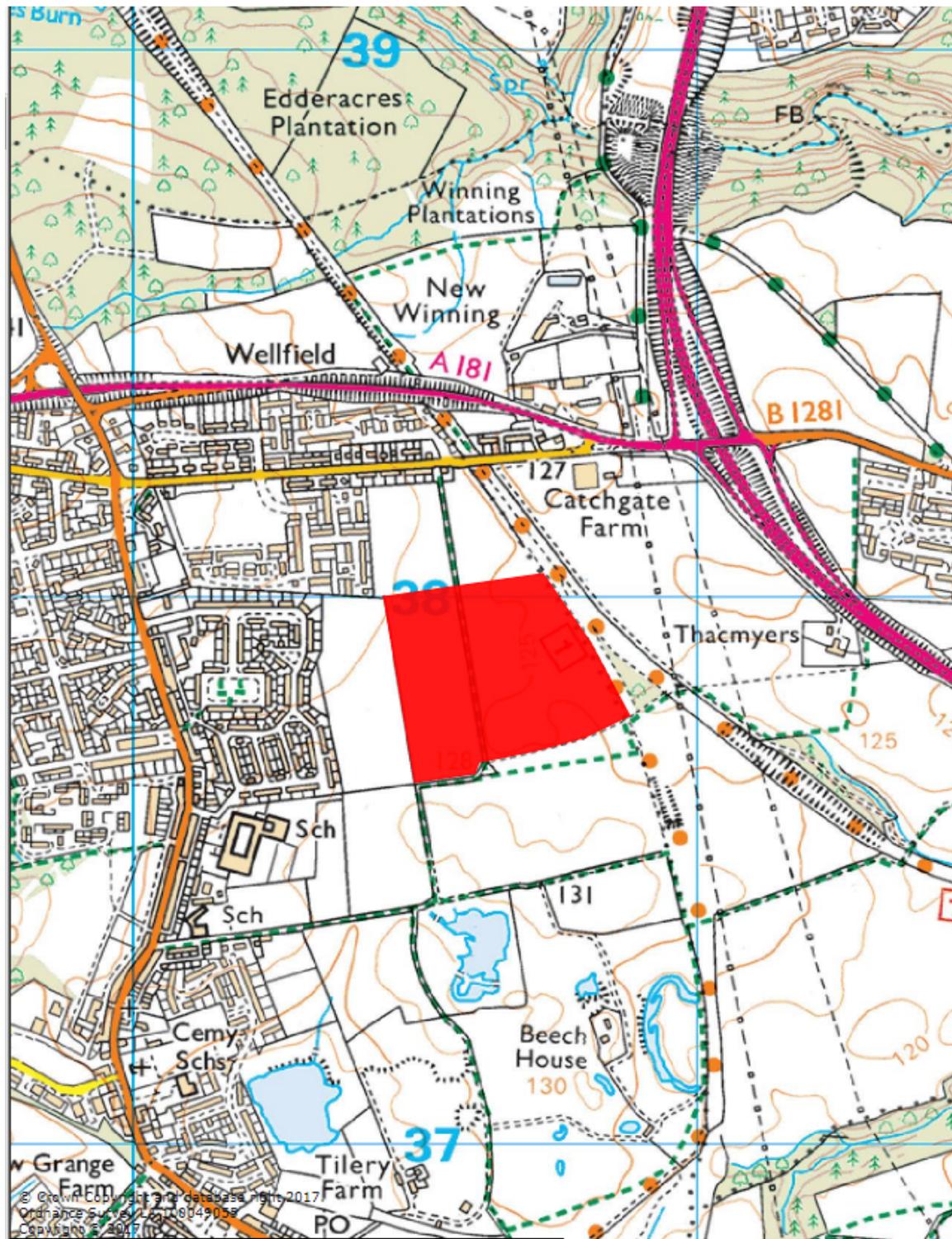
STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

- National Planning Practice Guidance Notes
- Easington District Local Plan 2006
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Public Place Planning Document 2006
- Calculating developer contributions in relation to education.
- Statutory, internal and public consultation responses



Planning Services

DM/16/03958/OUT
 Outline planning application with all matters reserved (other than access), for erection of up to 250 dwellings and associated infrastructure, land to the South East of Stewart Drive, Wingate, TS28 5PS

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Comments

Date November 2017

Scale Not to scale