



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/01313/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Residential development of 88 dwellings (outline, inc. access)
<b>NAME OF APPLICANT:</b>	Frankill Ltd
<b>ADDRESS:</b>	Land At Rodridge Cottage Farm Station Town
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Graham Blakey, Principal Planning Officer 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site of 5.82 hectares is located upon the western edge of the village of Station Town, Wingate. It lies adjacent to Newholme Estate, post-war residential development, and Ridgeway House Nursing Home and is formed of three agricultural fields. Rodridge Cottage Farm, a disused farm complex, borders the site to the south (in the control of the applicant) with the dismantled railway line and cycle route further beyond the site to the north. Open fields lie to the west and heading towards Trimdon Colliery.
2. Following the pattern established by the village itself, the site is broadly orientated north-south across the three parcels of land. The topography of the site sees the former Rodridge Cottage Farm occupy an elevated position above the site, with land falling away north, decreasing in steepness towards the northern site boundary. The land also falls more generally from west to east into the village where close to the Newholme Estate it rises more sharply to the existing housing.
3. Pre-existing boundary treatments and landscaping features remain, such as the dividing field boundaries and the boundary to the existing housing. Trees feature within the boundary to the Newholme Estate on the southern part of the eastern boundary forming a semi-dense visual screen when in leaf.
4. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Carstead Wood West Local Wildlife Site lies approximately 240m to the south west, beyond Rodridge Cottage Farm. No recorded public rights of way are contained within the application site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage assets are the

Holy Trinity Church and Mining Disaster Memorial within Wingate, 800m to the north.

## The Proposal

5. Outline planning permission is sought for the erection of 88 dwellings, featuring 15 bungalows, with matters of landscaping, layout, scale and appearance being reserved for agreement later. Access is therefore also sought for approval at the outline stage. Vehicular access is proposed from the eastern part of the site via Newholme Estate in two locations where the current road system comes to an end.
6. An indicative site layout has been provided by the agent for the proposal to demonstrate the delivery of 88 dwellings, pockets of open space and a Sustainable Urban Drainage System (SuDs) basin feature to the northern part of the application site together with opportunities across the site and retention of green corridors. Housing is shown as a continuation of the Newholme Estate at the point of entry, leading to its own character areas once within the estate. The application proposes to deliver 10% of the total proposed housing as affordable homes.
7. This application is being reported to the County Planning Committee because it involves residential development of more than 4ha.

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## **PLANNING HISTORY**

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8. Planning Permission No. DM/18/01431/OUT was granted subject to a Section 106 Agreement for 'Residential development of 88 dwellings (outline, inc. access)' on 31 May 2019.
9. Planning Permission No. DM/19/00303/FPA was granted for 'Erection of 9no. live-work dwellings and construction of infrastructure following demolition of existing buildings' on 12 December 2022.

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## **PLANNING POLICIES**

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### **NATIONAL POLICY**

10. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

12. *NPPF Part 2 - Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 5 - Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 8 - Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 - Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 12 - Achieving Well-Designed Places* - 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.
18. *NPPF Part 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and

existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

20. *NPPF Part 16* - Conserving and enhancing the historic environment. Heritage assets range from site and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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; climate change; design: process and tools; determining a planning application; effective use of land; flood risk and coastal change; healthy and safe communities; historic environment; housing and economic land availability assessment; housing and economic needs assessment; housing needs of different groups; housing for older and disable people; housing: optional technical standards; land affected by contamination; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

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

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

The County Durham Plan (October 2020)

22. *Policy 1 – Quantity of Development* – Outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. *Policy 6 – Development of Unallocated Sites* – States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
24. *Policy 10 – Development in the Countryside* – States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following

exceptions: specific types of economic development, specific types of infrastructure development or some specific development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.

25. *Policy 15 - Addressing Housing Need* - Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
26. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
27. *Policy 25 - Developer Contributions* - Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
28. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
29. *Policy 29 – Sustainable Design* - Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
30. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.

31. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
32. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
33. *Policy 36 – Water Infrastructure* – Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
34. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
35. *Policy 40 - Trees, Woodlands and Hedges*. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
36. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

37. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
38. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

#### **NEIGHBOURHOOD PLAN:**

39. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

*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/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

40. *Hutton Henry Parish Council* – Has made a number of comments regarding the application. Flooding issues adjacent to the B1280 and areas of the Newholme Estate are concerns. Highway safety issues in respect to visibility of the main access of the Newholme Estate onto the B1280 would worsen through the increased traffic levels from this development. Internal layout issues with parking need to be addressed. Pavements and road conditions within the Newholme Estate should be taken into account when considering the provision of bungalows within the site. Crime levels in the area have risen and should be a factor in the design of this development. In addition, the Parish Council considers that the landscape and visual impacts from the proposals would be great for the residents of the Newholme Estate. Careful planning of the internal layout would be required to ensure loss of trees and vegetation is reduced and protecting the amenity of the nearby residents. Structural planting reaching maturity will result in adverse impacts in the 25 year timeframe required to achieve this outcome. It is also considered that residual cumulative impact upon the Parish and Station Town would occur from the proposals. Furthermore, the Parish Council considers that contributions in lieu of public open space provision should be provided to the benefit of the local area and Station Town rather than the wider Blackhalls Division.

41. *National Highways* – Raises no objections as the on-going works by Durham County Council to improve the graded separated junction A19 / A179 / B1280 at Sheraton would be sufficient to accommodate this development.
42. *Highway Authority* – No objections have been raised on highway grounds, with trip generation and distribution of traffic from the site considered to have been modelled appropriately. As a result, no highway mitigation is required. Proposed vehicular access is via two separate access points and is considered acceptable. A number of detailed design issues are raised with the indicative layout and conditions requiring works proposed.
43. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the finer detail of the drainage scheme.
44. *Lead Local Flood Authority* – Raises no objections, however, further detailed specification of the drainage proposals which should include adherence to the Councils Sustainable Urban Drainage Systems Adoption Guide (2016) and adherence to greenfield run-off rate are necessary.
45. *The Coal Authority* – Advises that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area and there is no need for the Coal Authority to be consulted. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it would be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

#### **Internal Consultee Responses:**

46. *Spatial Policy* – Raises no objections. Within the County Durham Plan (CDP) the site was recognised as a housing commitment as it had planning permission as at 1st April 2019 (application reference DM/18/01431/OUT) for 88 dwellings. This current application should be assessed and determined against Policy 6 of the CDP. It is considered that criteria b), c), d), and f) will be particularly relevant in assessing this proposal, and the comments received from specialist services will assist in determining whether development on this site will adhere to the criteria laid out within Policy 6. In terms of townscape and landscape implications the key considerations will be the relationship to the settlement pattern and form, as development will extend the settlement westwards into the open countryside, so the issue is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside by way on an uncontained protrusion into open countryside. These are planning judgements and will be informed by the views of the specialists, but it is also important to recognise. Consultation with relevant specialist teams will identify whether there are any additional matters to consider under the Policies of the CDP and wider NPPF.
47. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built up areas as well as other judgements such as its sustainability in terms of location in the countryside and access to sustainable transport options. In respect of these issues, it is important to acknowledge the existing planning permission for this site, which



does give a strong indication that the site is considered to be suitable for residential development, and that development would integrate with the settlement pattern. This sites development for housing would represent a sustainable urban extension, as the proposal would appropriately “round off” the village in the west.

48. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a low value area, this development would require 10% or 9 units of Affordable Home ownership. Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Based on a scheme of 88 units, 58 units would be required to be built to M4(2).
49. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people.
50. *Design and Conservation* – Raises no objections in principle. Indicative layout requires further work at reserved matters stage to make the final development acceptable.
51. *Landscape* – It is noted that the submitted Landscape Impact Report deals with the effect of development on features & landscape character is also dealt with in the report. It identifies mitigation requirements in the form of structure planting. The proposals would cause harm to the character, quality and distinctiveness of the local landscape and to important features such as existing mature trees and hedgerows and would encroach on views to and from the settlement in a transformative manner. Structural landscaping will be required to mitigate the impacts of these proposals.
52. *Landscape (Arboriculture)* – It is noted that the site has a large amount of field boundary hedging internally. To the west of the existing houses in Newholme Estate North, the hedgerows include numerous trees. The development would require the removal of significant sections of internal hedging and, at the proposed access points from Newholme Estate, several of the ash trees will require removal. At present, the loss of some of these trees for access would not have a major detrimental impact on the visual amenity. It is recommended that the applicant produces a Tree Protection Plan for those trees to be retained by condition and a suitable landscape plan provided at reserved matters that includes tree planting in sustainable locations in mitigation of the tree loss.
53. *School Places and Admissions Manager* – The development is likely to produce 27 primary pupils and 11 secondary pupils. It is considered that there are sufficient school places at primary school age and secondary school within the Wingate and wider area to accommodate the development of this scale.

54. *Ecology* – It is noted that the submitted Preliminary Ecological Appraisal and Bat Roost Potential Survey report show that broadleaved trees, semi-improved grassland, amenity grassland and hedgerows are to be lost to facilitate this development. The indicative landscaping plan shows several new areas of habitat with screen planting and SUDs proposed. Although the extant habitats on site do not meet the criteria for Priority Habitats, they still have a biodiversity value that needs to be taken into account as the mitigation provided within the Landscape plan may not be sufficient to mitigate for the loss of the existing habitats. The submitted net-biodiversity gain assessment submitted with the application does indicate that the site would achieve net gain as a result of the proposals. A conditional approach to securing appropriate levels of open space is advised or off-site compensation/mitigation secured.
55. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a site investigation and risk assessment, remediation strategy and subsequent verification report.
56. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. The application relates to a noise sensitive development and noise generating development, especially in relation to the construction. However, there are no noise sources close to the proposed site that would impact on the future occupiers of the housing therefore no controls are required on controlling existing noise sources. A condition is recommended so as to agree a construction management plan.
57. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections at this stage. A revised Air Quality Assessment is under review. A Dust Action Plan is recommended to mitigate impacts during the construction phase of the development. It is recommended that pedestrian and cycle routes are incorporated into the development to link to local facilities whilst consideration of means to encourage low and zero emission vehicle use should be made.
58. *Archaeology* – It is noted that the site is a large greenfield development that has seen no previous modern development. The submitted site investigation and geophysical survey data have highlighted areas required for trial trenching.

#### **PUBLIC RESPONSES:**

59. The application has been advertised in the local press (the Northern Echo), by site notice and through neighbour notification letters as part of the planning procedures. 302 Notification letters were sent to individual properties in the vicinity of the site. 6 letters of objections were received.
60. The main concerns raised by objectors are summarised as:
- The proposed development will set a precedent for inappropriate development in the countryside and will result in the encroachment of the linear settlement into the countryside to the detriment to the character of the area.
  - The development will require the removal of significant sections of internal hedging and several Ash Trees will be removed in order to create the proposed access points from Newholme Estate. This will have a significant visual impact.

- Impacts from the development upon wildlife, protected species, such as bats, and breeding birds.
- Impacts upon the amenity of neighbouring residents through loss of view and outlook due to the new houses.
- Impacts upon services in Wingate and Station Town, obtaining GP appointments.
- The site is a prominently elevated position and houses built will have an adverse impact upon our property and would cause a reduction in light levels and an unacceptable loss of privacy.
- Congestion to Newholme Estate cul-de-sac, with parking causing the road to be blocked. An issue for emergency vehicles trying to get to the new development site. Extending to the wider area of Station Town.
- Visibility from the Newholme Estate access is restricted to the B1280.
- Additional traffic would make existing green spaces to Newholme Estate unsafe through additional traffic.
- Existing flooding to Millbank Terrace (B1280) and Newholme Estate would be exacerbated by introducing new housing.
- Foul water drainage connection and The Cottage (rear of Millbank Chapel Terrace) has overflowed into the garden on several occasions, this must be looked at as part of this development.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

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

#### **APPLICANTS STATEMENT:**

61. This application was submitted as a renewal of what was an extant Outline permission (ref no. DM/18/01431/OUT) for the erection of a scheme of 88 dwellings with the means of access considered. That permission was granted by this Committee dated 31 May 2019.
62. The applicant's intention was to secure partner finance, progress through Reserved Matters and deliver the site in accordance that permission. However, the intervention of the covid Pandemic created market and finance uncertainty, and uncontrollable delays as the proposal just fell outside dates of the Governments scheme to extend such permissions.
63. The renewal dated 21 April 2021 was submitted following negotiations with officers on the format and timing.
64. The resubmission replicates the approved scheme in that it is contiguous to the western edge of the settlement and designed to form a transition to the open countryside beyond. The site retains its status as a residential allocation/housing commitment because of the earlier permission and is considered to be a sustainable development with access to the services of Station Town and Wingate.
65. All 'material planning considerations' have been considered within the proposal and reports have been updated to reflect changes where so required and the proposal retains the key technical support of consultees.
66. As part of the resubmission officers encouraged the applicants to participate in an 'urban design' exercise despite layout reverting to being considered a 'Reserved

Matter'. The exercise was however useful in providing illustrations of layout options that integrated the housing with 'green corridors' and 'landscape buffers' providing a high-quality adaptable opportunity of new housing.

67. The attached Farmstead has also recently been granted a full planning permission for residential development and this proposal to develop the farmland would a logical and integrated approach to the development consistent with the intentions of the original outline.
68. In summary the application is: -
- A renewal of outline planning permission
  - An allocated residential site in the councils housing figures
  - Consistent with the government's advice that *'lpa's should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area'*.
  - The basic planning consideration are unchanged since the earlier grant of Outline Planning permission.
69. Member support for the renewal of this permission is sought to deliver and progress the development.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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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 advice within 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, highway safety and access, landscape impact and layout and design, addressing housing need, residential amenity, infrastructure and public open space provision, flooding and drainage, ecology, heritage and archaeology, and other matters.

Principle of the 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 County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the

NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

72. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) 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.
73. The application site is located on the western edge of the settlement of Station Town. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.
74. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
75. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement westwards into the open countryside, so the issue is whether the development of the site would be a well-related and natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built-up areas as well as other judgements, such as its sustainability in terms of location and access to sustainable transport options.
76. It is considered that the development of the application site would not be in conflict with Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.
77. As the application site is located outside of the built-up area of Station Town it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 therefore falls within the relevant criteria and is thereby not in conflict with CDP Policy 10.

### *Housing Land Supply*

78. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
79. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

## *Locational Sustainability of the Site*

80. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
81. Station Town lies south of Wingate village and there are common services which are shared between the locations. Overall, these medium sized villages will have access to some but not all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. Between Wingate and Station Town access to schools, doctors surgery shops and bus service are all possible, with most of the services skewed towards Wingate rather than Station Town. It is considered therefore, that settlements of this nature have some attributed facilities that would make them locationally sustainable, subject to specific site constraints.
82. Paragraphs 108 and 110 of the NPPF set out that development proposals should promote sustainable transport modes, prioritising pedestrian, cycling and access to public transport. CDP Policy 21 promotes the development of sustainable modes of transport and that these are embedded into new development. Schools within Wingate all lie within appropriate walking distance and can be accessed by bus, part of the Wingate service centre, formed of some small scale retail units (including a post office), are located approx. 780m from the application site.
83. The proposed development also could encourage walking and cycling through proximity to the network of dismantled railways and public rights of way which surround Station Town, including National Cycle Route 1 which runs through village and north east towards Peterlee. Peterlee lies around 5 miles to the north east of the village and is a 20 minute bus journey. Hartlepool lies to the south east and is a 30 minute bus journey away. Bus stops are located to the main thoroughfare through Station Town, east of the Newholme Estate through which this site would take access. Direct links are possible to both Peterlee and Hartlepool from these stops, with buses running every 20-30 minutes in both directions throughout the day. A range of transport options would therefore be available for future residents.
84. As a result, it is considered that in the vicinity the site has access to an array of services and facilities, adequate to serve the development proposed, and that these are within relative ease of reach by future residents ensuring the viability and vitality

of those is enhanced. No objections are therefore raised having regards to the locational sustainability of the site and carries weight in favour of the proposed development.

85. Overall, it is considered the walking distances, access to the cycle and footpath network and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

#### Highway Safety and Access

86. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development. The Council's Highways Authority consider the assessment establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered severe.
88. The proposed development would provide access to the predominant sustainable transport option in the area, the bus, and the cycle network in the area. CDP Policies 21 and 29 promote the increased access of new development to sustainable transport links, and with the surrounding bus stops and the cycle network, this proposal is considered to adhere to the requirements of the Policy.
89. Residents of Newholme Estate have raised concerns over the access points for the proposed development and the current parking situation at this point of the estate. The Highways Authority consider that the road width of the Newholme Estate would be sufficient to accommodate additional traffic from the proposed development through the estate to the B1280 main road as well as existing residents demands.
90. As a result, the impacts from the proposed development are considered insignificant and would not lead to a severe residual cumulative impact in the context of the NPPF Part 9 and CDP Policies 6 (criterion e), 21 and 29 in regard to reducing private transport use through improved access to links and safe access to the highway network.



## Landscape Impact, Layout and Design

91. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
92. The application is in outline form, with an indicative layout given to demonstrate the ability of the site to accommodate the number of houses proposed together with the various features expected from housing development, such as public open space and any drainage features. Matters of layout, landscaping, scale and appearance are all reserved for approval later, however officers are satisfied that these can be accommodated in a successful manner as demonstrated by the indicative layout. The layout also includes provision for single story bungalow development, as referred to within the submitted Planning Statement. This tenure of dwelling is not always present upon new housing proposals and is considered a benefit that should be secured with and recommendation for approval. Access is a matter sought for approval at the outline stage, with detailed designs for the proposed junction and associated improvements to take two access via the Newholme Estate are included with the application.
93. In the broad landscape context, the position of the site against the built environment on the settlement edge. Representations have been made which cite the incursion in the countryside would be at odds with the linear development of Station Town and so detrimental to the character of the area. The site is not flat, it runs from south to north and substantially from west to east to a hollow centrally and then partly back up to the Newholme Estate and the field boundary there. Currently made up of three separate parcels of land, the boundaries of which are made up from neglected and sporadic agricultural hedgerow and stock fencing and cross the site from east to west at equidistant intervals. Landscape officers have noted their loss and highlighted this as a concern. Final consideration as to the extent of hedgerow retention into the layout or their loss would be resolved at the reserved matters stage. In terms of visual impact there will be some impact as a result of the proposed development, simply through the replacement of agricultural field with built development and is constituted as having some significant adverse impact upon the landscape.
94. The topography of the site is considered by officers to play an important role in views of the development. The presence of a proposed structure planting buffer to the western boundary of the site, at the most elevated and visible area outside of

the settlement, would play a decisive factor the visual impact of the proposed development in the long term. A new green edge to this part of Station Town would be considered a positive in landscaping terms, however this buffer would take 10-15 years to reach some form of suitable screening.

95. Taking the views of landscape officer together with the proposed mitigation structure planting and the topography of the site, officers considered that the proposal would offer no net benefit or loss in landscaping terms and as such would be weighted accordingly in the assessment against the CDP.
96. Tree losses would also occur as a result of the development and its proposed accesses, and this would cause some harm. Tree officers however are satisfied that the relevant losses and subsequent retention of some trees can be secured and a request for the detail of the retained trees in relation to the proposed access points is considered appropriate.
97. Indicatively, the proposed layout shows the site can accommodate the level of housing proposed. It has segregated the private and affordable housing; however, this would be bungalow type housing, and features scope for overland drainage features. Issues surrounding hedgerow retention would need answering at reserved matters stage. As such, the development would be considered at outline stage to comply with CDP Policies 6, 26, 29, 39 and 40 and be an appropriately designed and visually interesting development. Compliance with Parts 12 and 15 of the NPPF would also be achieved through mitigating planting.

#### Addressing Housing Need

98. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
99. The site falls within a low value area, meaning this development would be required to deliver 10% affordable housing solely in the form of affordable home ownership. The scheme would provide a total 9 dwellings in the form of bungalows, forming part of a total of 15 bungalows on site, and therefore meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The affordable housing would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
100. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The 15 no. bungalows would fulfil and exceed this requirement. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise and a condition is proposed to ensure

that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). Again, a condition to secure this requirement will be proposed to ensure that this is achieved.

101. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

#### Residential Amenity

102. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
103. The indicative site layout for the proposed 88 dwellings satisfactorily demonstrates sufficient space is available within the application site to accommodate the proposed number dwellings in a manner which would not cause undue impact upon the dwellings to the east of the site. Existing dwellings to the east of the site are orientated north-south direction where they border the site. The indicative layout has proposed dwellings that would follow this orientation and continuation of the housing form to the main access road from the Newholme Estate. This would show that a layout is possible that can reduce the impact of the proposed new housing upon the existing occupiers through a continuation of the existing built form. The cul-de-sac of sheltered accommodation attempts to follow this ideology to some degree. While level differences would still require assessment to ensure this is the case at the reserved matters stage, officers consider that the impacts upon privacy and light to existing residents would not be compromised in accordance with CDP Policies 29 and 31. Internally, the indicative layout also demonstrates there is sufficient space to accommodate all proposed dwellings without impact upon proposed dwellings.
104. In terms of noise, the application is accompanied by a noise survey which identifies that the impacts from the surrounding road network has a relatively high background noise environment during the day, but reduced during the night when traffic movements would be limited nearby. The Council's Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.
105. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. They note the presence of a former farm complex to the south of the application site and that this is owned by the applicant and referenced in the applicant's Planning Statement as no longer being operational, nor would become operational. Planning permission was gained in 2007 and subsequently implemented for the change of use of a number of the farm buildings for a storage and industrial B8 use though again more recently it is understood that such commercial activities have also ceased. This B8 use was subject to conditions including control over hours of operation. Overall taking into account that the lawful uses which could restart at the

farm complex would involve the permitted B8 use and likely only limited agricultural usage of remaining agricultural buildings, officers consider that it is unlikely that those operations would unacceptably harm the amenity of prospective occupiers of the proposed development.

106. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regard to these measures, the application is considered to be in accordance with CDP Policies 29 and 31, and Part 15 of the NPPF in this regard.
107. With regard to air quality, the application is accompanied by an air quality survey which outlines that the impact of the development upon air quality once occupied to be negligible, with the predicted amount of air quality pollutants remaining below the annual mean air quality objective. Environmental Health and Consumer Protection Officers are reviewing the findings of the report and an update will be given to members on the day of the committee meeting. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), is proposed, and can be secured by means of a planning condition. The application is therefore considered to be in accordance with CDP Policies 29 and 31 and Part 15 of the NPPF in this regard.

#### Infrastructure and Public Open Space Provision

108. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
109. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

110. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought. Given the scales of the development, it would generally be expected that all typologies would be provided for on-site.
111. Taking into account the levels of open space proposed on site, those typologies of open space for which there are sufficient provided already within East Durham, improvements to existing areas parks and recreation ground and youth place spaces in the vicinity would be required by way of an in-lieu financial contribution totalling £130,292.80 and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.
112. Open space proposed within the site would be formalised at the reserved matters stage, however a total of 1.5Ha of open space are proposed by the application and it is therefore proposed to ensure this level of open space is provided by the application by way of condition.
113. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.

#### Flooding and Drainage

114. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. 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 a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
115. With regards to how the development would address drainage, the application proposes a suite of Sustainable Urban Drainage System (SUDs) principles and has accommodated space within the layout for a drainage base if required. The options for soakaway or discharge into nearby water courses are proposed.
116. Drainage and Coastal Protection officers require surface water run-off rates to be comparable to that of the existing use of the land (i.e. greenfield). Surface water attenuation will be required to ensure this rate can be achieved and is proposed via the above in the form of a SUDs scheme, which will prevent external flooding for

both 1 in 30-year floods and up to 1 in 100 flood events. Again, detail of this scheme is subject to agreement of the final layout of the development, and as such, a condition to require the details of the proposed SUDs scheme should be used.

117. With regards to the disposal of foul waters Northumbrian Water have requested a condition be included to detail the foul water connection to their services.
118. The development proposes to meet the required level of surface water run-off at greenfield run-off rate through the provision of a SUDs scheme and is therefore considered acceptable in principle subject to detailed assessment at the reserved matters stage, and is therefore compliant with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Ecology

119. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
120. The closest site of nature conservation interest is Carstead Wood West Local Wildlife Site (LWS) which is located 240m to the south west. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low.
121. The County Ecologist has considered the content of the submitted information and has advised that the methodology and findings are sound. They note the internal hedgerows running east-west would form foraging routes for birds and bats as well as providing habitat for wildlife. Their retention at reserved matters stage should therefore be explored thoroughly.

122. Ultimately however, the proposals would lead to the loss of undeveloped land which would contribute in its entirety to biodiversity in the local environment. The development of the land would result in biodiversity loss which would be off-set to some degree with the proposed structure planting. The submitted Biodiversity Net Gain report has clarified this matter to some degree and has highlighted that a scheme is possible which would lead to some net gain across the site. Overall, the principle of this approach is accepted, and subject to securing this level of open space and future improvements in lieu of on-site provision.
123. Therefore, having regard to the submitted reports, the development would, it is considered, lead to net gain in biodiversity in accordance with the aims of CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF. No harmful impacts upon local or statutory ecological sites, or upon protected species would occur in accordance with CDP Policy 43. A detailed habitat creation and management document, including a monitoring strategy for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981. A condition is not regarded as a suitable mechanism and a Section 39 is more suited to ensuring long term management.

#### Heritage and Archaeology

124. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
125. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
126. The application site does not lie within or contain any designated heritage assets, with the closest being the Holy Trinity Church and Mining Memorial within Wingate over 800m to the north, and with no direct visual relationship with the site. Consequently, it is considered that there would be no harm upon the designated heritage assets. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
127. Analysis, including field evaluation, is required to establish if the presence of archaeological assets are present beneath the site and the implications it would

have for the development. The desk-based study highlights areas where trial trenching should be undertaken and the Council's Archaeology Officer is in agreement with this methodology. Given the outline nature of the application, officers are satisfied that the trail trenching can be undertaken prior to the submission of the reserved matters so that the layout of the proposed development can be informed where necessary.

128. Part 16 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 16 of the NPPF and CDP Policy 44.

#### Developer Contributions

129. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- £130,292.80 towards improving offsite open space and recreational provision within Blackhalls Electoral Division.

#### Other Issues

130. The School Places Manager has advised that there is sufficient capacity at primary school and secondary age places in the Wingate and wider area. Therefore, no mitigation is required in this regard.
131. Being proposed development involving a sensitive end use, the site has been subject to Phase 1 study to assess the risk of contamination. These reports identify that contamination is clearly present and has identified proposed remediation. Environment, Health and Consumer Protection officers raised no objection to the proposal subject to a planning condition requiring the submission of further work to the proposed remediation strategy and so as to ensure that this contamination is correctly mitigated. The proposed development complies with CDP Policy 32 and Paragraph 183 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.



## Public Sector Equality Duty

132. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
133. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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134. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
135. The residential development would draw support from the NPPF and CDP through its locational sustainability and access to services and alternative transport methods. It is considered that this, together with economic benefits and provision of affordable housing would outweigh the initial impacts of upon the landscape from introducing built development to the western side of Station Town. Medium and long term mitigation of the visual impact is considered key in the long term assimilation of the development in the landscape.
136. As set out above, in the context of the CDP and NPPF, the proposed development would be considered to accord with the development plan and as such should be approved without delay.
137. The proposal has generated some public interest, with concerns regarding the principle of the development and the impacts upon the highway network. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
138. The proposed development is considered to accord with Policies 6, 10, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43 and 44 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12, 14, 15 and 16 of the NPPF.

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## RECOMMENDATION

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139. That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:
- Provision of a minimum of 10% affordable housing units on site;
  - The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;

- £130,292.80 towards the provision or improvements to open space and recreation within Blackhalls Electoral Division,

and subject to the following conditions:

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

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

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

*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 88 dwellings, of which 15 shall be bungalows.

*Reason: To define the consent and precise number of dwellings approved in accordance with Policy 15 of the County Durham Plan.*

4. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 2, 4, 5, 8, 9, 12, 14 and 15 of the County Durham Plan and Parts 1, 6, 21, 26, 29, 31, 32, 35, 36, 39 and 41 of the National Planning Policy Framework.*

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the*

*National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

6. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

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

13. Management measures for the control of pest species as a result of demolition and/or construction works.

14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

8. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

10. A scheme of ecological mitigation shall be submitted at the reserved matters stage and shall include details of establishing biodiversity habitat on-site, and shall be

implemented in accordance with a timescale to be agreed, and maintained in perpetuity in accordance with an agreed maintenance programme.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 41 of the County Durham Plan and Part 11 of the NPPF.*

11. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

12. Notwithstanding the indicative layout submitted with the application, a minimum of 1.5 hectares of open space shall be provided on site.

*Reason: In the interests of appearance of the area in accordance with Parts 12 and 15 of the NPPF.*

13. In undertaking the development that is hereby approved:

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 1400 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 in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

14. Prior to the occupation of any dwelling taking access via 57-59 Newholme Estate a scheme for ramped footpath crossings to the access road shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the crossings shall be installed and available for use following first occupation of any dwelling taking access via 57-59 Newholme Estate.

*Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

15. All subsequent reserved matters applications shall include all properties meeting Nationally Described Space Standards, 66% of all properties being built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document, and a minimum of 10% of properties designed for older persons.

*Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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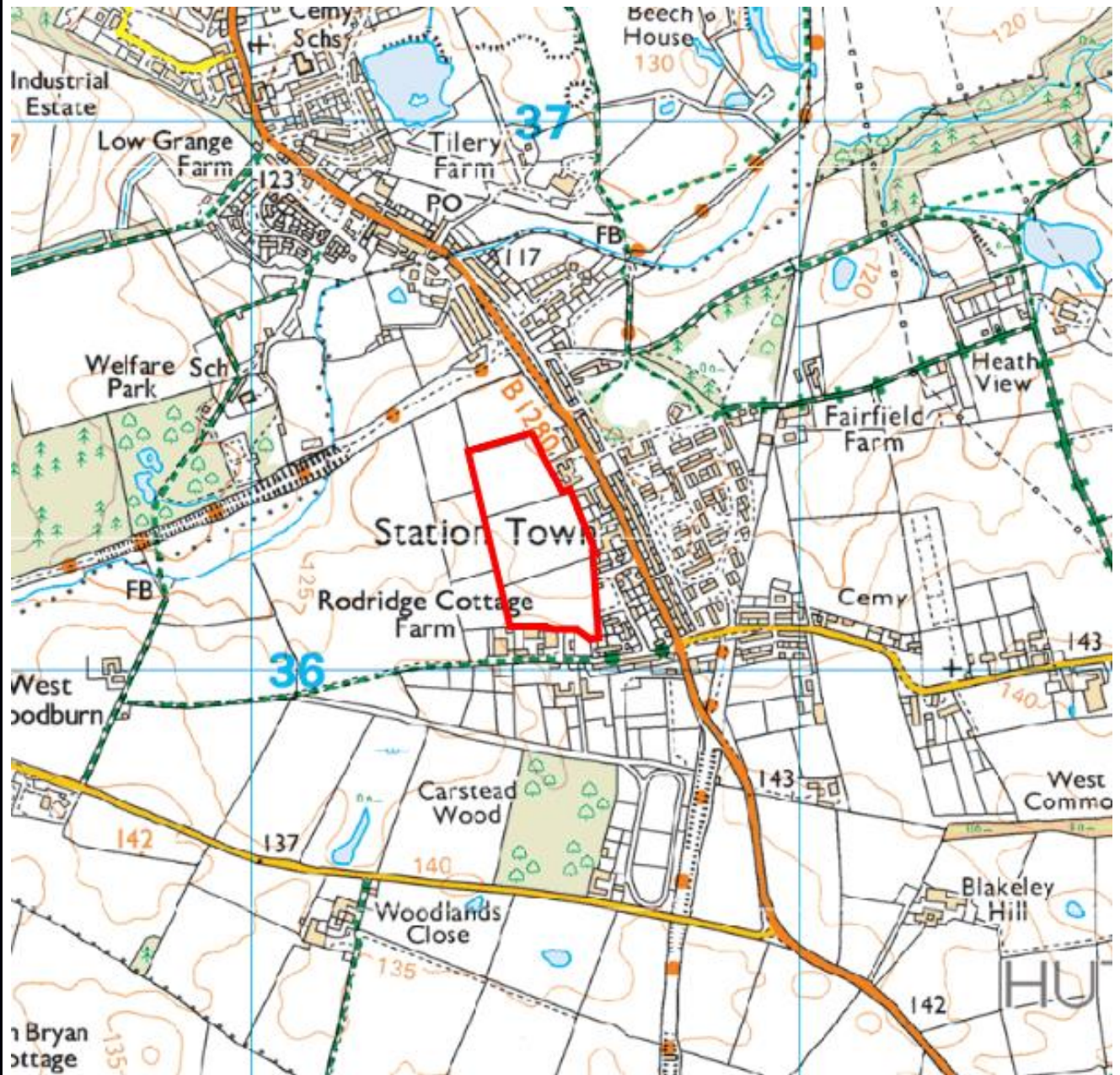
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.


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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



 <p><b>Planning Services</b></p>	<p><b>DM/21/01313/OUT</b>  Residential development of 88 dwellings  (outline, inc. access), Land At Rodridge  Cottage Farm Station Town</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> March 2023</p>	<p><b>Scale</b> Not to Scale</p>