APPLICATION DETAILS

APPLICATION NO: 4/13/00225/OUT

FULL APPLICATION DESCRIPTION: Outline planning application with all matters reserved except access for the erection of a maximum of 400 dwellings and associated works

NAME OF APPLICANT: Southlands Management Ltd

ADDRESS: Land To The South Of Wallnook Lane And East Of Recreation Ground, Langley Park, County Durham

ELECTORAL DIVISION: Esh and Witton Gilbert

CASE OFFICER: Henry Jones

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DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application relates to land to the east of the Langley Park adjacent to land known as the recreation ground or “old rec” and adjacent to a partially completed residential development known as Station Court, accessed off Wallnook Lane.

2. The application site comprises predominantly of greenfield land in the form of agricultural fields, however, also encompasses an access track which is also a public right of way which leads to Hill Top Farm and the north-western sections of the site comprise of the Lanchester Valley Railway Path. This route, formally an old railway line, is a recreational link utilised by walkers, cyclists and for horse riding.

3. Although adjacent to Langley Park the application site lies within the bounds of the former Durham City Council boundary and as defined within the City of Durham Local Plan 2004 lies outside of a designated settlement boundary. The application site is located within an area designated within the Local Plan as the Browney Valley and also forms part of a locally designated historic park/garden.

Proposal:

4. The application seeks planning permission in outline with all matters reserved except access for the erection of a maximum of 400 dwellings and associated works.

5. Indicative plans accompanying the application propose the dwellings to be sited within the agricultural fields to the south of Station Court and to the west of the access track that leads to Hill Top Farm. Although the detail of landscaping and layout are reserved matters, the plans submitted indicate landscape buffers to the
perimeters of the site, principally to the south and east together with a storage pond to collect surface water runoff in the far east of the site.

6. However, the only matter for detailed approval under this application relates to the access arrangements. It is proposed for a new access road to be constructed emerging from the agricultural fields which form the majority of the application site and meeting with Front Street forming a revised junction. The proposed junction with Front Street would be signalised. It is proposed for Wallnook Lane itself to be diverted at a point west of Wallnook Cottage to form a junction with the proposed new access road as oppose to meeting the Front Street directly as at present.

7. The proposed access road would in part run along the route of the existing Lanchester Valley Railway Path which sits atop of an existing embankment. The proposed access road would involve significant excavation of this embankment as the road is proposed at a lower level. Trees which currently line the route of the railway path would require removal to facilitate the access. The Lanchester Valley Railway Path is proposed to be redirected for the length of the affected area with a crossing point proposed across the access road.

8. The application is accompanied by the Heads of Terms for a Section 106 legal agreement. This agreement proposes the provision of 20% affordable housing within the application site, a financial contribution of towards recreational space/playspace and towards public art features and environmental improvements. A further financial contribution is proposed towards community buildings improvement within Langley Park. It is also seeks to ensure a targeted recruitment programme applies to the development.

9. As the site is located adjacent to the recreation ground the Heads of Terms of the S106 agreement proposes that the financial contributions towards art/environmental improvements and recreational/playspace improvements be spent at this location as part of an overall enhancement. Esh Parish Council manage this recreation ground at present though the applicants have included some indicative improvement proposals within the application submission.

10. The application is before planning committee as the development constitutes a major development.

**PLANNING HISTORY**

11. Construction of an all weather horse riding surface and associated fenced enclosure was approved within the application site in 1999.

12. Although not located within the application site also of some relevance is the approval of 23 no. dwellings in December 2008 just to the north of the application. This development by Shepherd Homes is being completed at the moment.

**PLANNING POLICY**

**NATIONAL POLICY**

13. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that
is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

14. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.

15. The following elements are considered relevant to this proposal;

16. **NPPF Part 1 – Building a Strong and Competitive Economy.** The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

17. **NPPF Part 4 – 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.

18. **NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.** Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

19. **NPPF Part 7 – Requiring Good Design.** The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

20. **NPPF Part 8 – Promoting Healthy 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.

21. **NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

22. **NPPF Part 11 – 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.
23. **NPPF Part 12 – Conserving and Enhancing the Historic Environment.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

http://www.communities.gov.uk/publications/planningandbuilding/nppf

**LOCAL PLAN POLICY:**

24. **Policy E7 Development Outside Settlement Boundaries** advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.

25. **Policy E10 Areas of Landscape Value** is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.

26. **Policy E14 Trees and Hedgerows** sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

27. **Policy E15 Provision of New Trees and Hedgerows** states that the Council will encourage tree and hedgerow planting.

28. **Policy E16 Protection and Promotion of Nature Conservation** is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

29. **Policy E18 Sites of Nature Conservation Importance** seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.

30. **Policy E19 Wildlife Corridors** sets out criteria for ensuring that key habitats maintain their quality and range of species, and the council will seek to ensure that the integrity of wildlife corridors and the type of species are taken into account.

31. **Policy E23 Listed Buildings** seeks to safeguard Listed Buildings and their settings from unsympathetic development.

32. **Policy E24 Ancient Monuments and Archaeological Remains** sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local
importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.

33. **Policy E26 Historic Parks and Gardens** states that development will only be permitted at such locations where it would not detract from the enjoyment, layout, design, character, appearance or setting of the park/garden or result in the loss of its integral features.

34. **Policy H5 New Housing the Countryside** sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.

35. **Policy H12 Affordable Housing** seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha.

36. **Policy H12A The Type and Size of Housing** states that the Council will monitor new housing completions and where a certain need is not being met negotiate with developers to ensure the correct balance of the type, density and size of housing provided.

37. **Policy H13 Residential Areas – Impact upon Character and Amenity** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

38. **Policy T1 Traffic – General** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

39. **Policy T10 Parking – General Provision** states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

40. **Policy T19 Cycling** seeks to encourage a safe, attractive and convenient network of cycle routes.

41. **Policy T21 Safeguarding the Needs of Walkers** states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

42. **Policy R1 Provision of Open Space – Overall Standards** seeks to ensure that a minimum level of 2.4 ha of outdoor sports and play space per 1,000 population is maintained.

43. **Policy R2 Provision of Open Space – New Residential Development** states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council’s standards. Where there is an identified deficiency and it is considered appropriate,
the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

44. **Policy R9 Public Parks and Recreation Grounds** encourages the provision of additional play facilities.

45. **Policy R11 Public Rights of Way** states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

46. **Policy R14 Browney Valley** seeks to encourage the informal recreational potential of the Browney Valley whilst ensuring that all development proposals also accord with other land designations within the Browney Valley including the Green Belt and areas of high landscape value.

47. **Policies Q1 and Q2 General Principles Designing for People and Accessibility** states that the layout and design of all new development should take into account the requirements of all users.

48. **Policy Q3 External Parking Areas** requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

49. **Policy Q4 Pedestrian Areas** requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.

50. **Policy Q5 Landscaping General Provision** sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

51. **Policy Q6 Structural Landscaping** requires new development on the edge of settlements to incorporate peripheral structural landscaping.

52. **Policy Q8 Layout and Design – Residential Development** sets out the Council’s standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

53. **Policy Q15 Art in Design** states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

54. **Policy U8a Disposal of Foul and Surface Water** requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
55. **Policy U9 Watercourses** states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.

56. **Policy U10 Development in Flood Risk Areas** states that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless in can be demonstrated that alternative less vulnerable areas are unavailable, that no unacceptable risk would result, that no unacceptable risk would result elsewhere, or that appropriate mitigation measures can be secured.

57. **Policy U11 Development on Contaminated Land** sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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

59. **Policy U14 Energy Conservation – General** states that the energy efficient materials and construction techniques will be encouraged.

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**CONSULTATION AND PUBLICITY RESPONSES**

**Statutory Responses:**

60. The Highway Authority have had significant involvement with the planning application. The Highway Authority submitted an initial consultation response raising objection to the proposed development. The transport generation rates within the submitted transport assessment (TA) were considered a less robust approach to the traffic generation and therefore the junction modelling results were considered better than could be anticipated. The Highway Authority considered that the addition of development traffic would result in increased journey times and have an overall detrimental impact on network and base conditions, the TA also provided no analysis of the impacts of this on the link capacity. The A167/A691 Sniperley roundabout is already shown to be above capacity and the development would compound this.

61. The application was originally submitted with a priority as opposed to a signalised junction with the Front Street and this was considered unacceptable by the Highway Authority. Further concerns were raised that a car park which will provide parking for users of the Lanchester Valley Railway Path is proposed for removal without replacement. No alternative emergency access was also provided within the originally submitted scheme. Concerns were also raised by the Highway Authority with regards to the availability of sustainable transport methods and distances of the site to services and facilities.

62. However, following the applicant submitting further addendums to the transport assessment, revised plans and detailed survey work the Highway Authority withdrew their objection to the development. The consultant has produced a technical Note (TN3) which demonstrates that without development traffic, sections of the A691 will operate above theoretical capacity in the design year (2023). The addition of
development peak hour traffic could result in slight increases in all these conditions but it is considered that the additional impacts could not be considered severe. Therefore no objection is offered as a result of impacts on the A691.

63. A revised access to the development is proposed via a signalised junction at the Walnook Lane/Diggerland/Front Street entrance. Introduction of signals at this location will result in peak hour queuing on Front Street. A scheme has been set-out in the revised drawings which demonstrates measures can be brought forward that would satisfy the Highway Authority’s concerns and that a safe access could be engineered. Therefore no objection is offered as a result of impacts at the Front Street/Walnook Lane/Diggerland revised junction.

64. The consultant has considered emergency and alternative access provision should the main access to the development not be available and have provided an alternative solution which is satisfactory.

65. With regards to the concerns expressed regarding sustainable travel opportunities it is understood that upgraded connections will be provided at the recreation ground linking to the existing Langley Park Front Street and that pedestrian and cyclist access will be provided to the Lanchester Valley Way to the east of the site. A more detailed travel plan would be required to be agreed by way of condition. A condition is also requested that construction of the Front Street signal controlled access is complete before occupation of the 50th unit.

66. The Highways Agency have raised no objections to the development.

67. The Environment Agency originally raised objection to the proposed application and submitted flood risk assessment due to a considered failure to adequately consider overland flows. However, a revised flood risk assessment was submitted by the applicant and the Environment Agency has since withdrawn this objection provided that the mitigation measures detailed within the submitted assessment occur.

68. Natural England have raised no objections to the proposal, consideration should be had to biodiversity enhancements however.

69. Northumbrian Water have raised no objections to the development but have stated that the development should adhere to the requirements of the agreed flood risk assessment. A condition is also requested for attachment on any approval requiring that development should not commence until a detailed scheme for the accurate location, protection and access to its apparatus during construction and after development has been agreed.

70. The Police Architectural Liaison Officer has commented on the application no objections in principle are raised, advice is provided in relation to reducing the potential for crime in regards to matters of layout and design.

71. The Coal Authority have commented on the application and have raised no objections subject to imposition of condition that the intrusive investigative works recommended within the submitted geo-environmental appraisal are undertaken prior to the commencement of development.

72. The NHS Capital Projects Manager has raised no objections to the development considering that the development should not cause issues with service capacity.
73. Esh Parish Council have objected to the proposed development on the grounds of highway congestion and safety concerns, flood risk, impacts upon the Lanchester Valley Railway Path, drainage and infrastructure requirements.

INTERNAL CONSULTTEE RESPONSES:

74. Archaeology have raised no objections to the development subject to the attachment of conditions on any approval.

75. Environmental Health have stated that there are no direct sources of noise within the vicinity of the site that would warrant a specific noise assessment or that would lead to statutory nuisance. Advice is provided on working hours, noise/dust suppression whilst details of lighting should be agreed.

76. Environmental Health have assessed the submitted air quality assessment and have not raised objections to the content of the assessment. It is advised that the applicant submit for approval a dust control management plan.

77. Environmental Health have raised no objections with regards to matters of land contamination.

78. Public Rights of Way have commented on the application and note that footpath 27 would appear to require re-routing as a result of the development and a diversion under S257 of the Town and Country Planning Act would be required. Adequate provision of footpaths within the development is expected and improved linkages through the recreation ground would be welcomed.

79. The Sustainable Travel Officer has commented on the application and consider that additional pedestrian/cycle access points onto the Lanchester Valley Railway Path from the proposed development be provided, concerns are raised at a lack of designated alternative cycle routes towards the centre of Langley Park. The submitted travel plan is considered to be well composed, however, it is lacking in detailed measures.

80. Ecology have raised no objections to the submitted Extended Phase 1 Habitats Survey and additional bat and breeding bird survey work subsequently submitted. It is emphasised that there is a requirement for mitigation and compensatory works to remedy the impact of the development upon the adjacent site of nature conservation importance and more detail is sought on the content of such a scheme.

81. Design and Conservation consider that although the site forms part of a wider undesignated historic park/garden the landscaped has changed significantly since this time and the development is not considered to harm its character and no objections are raised regarding the content of Policy E26 of the Local Plan. It is suggested that a design code be supplied or conditioned on any approval regarding the development. Terraced areas within the development would improve visual link to Langley Park which is heavily terraced. Some advice on the indicative layout is provided regarding the pedestrian links and the proposed lower density farther south and higher density farther north is welcomed.

82. The Council’s Principal Landscape Architect has been consulted on the application and it is noted that given the present land use and area the development would have a transformative effect on the character of the site itself and on views from the immediate locality, however, this would always be the case a development of this scale and nature. Retention of mature landscaping within the site will help assimilate
the development into the setting. The development is not considered to impact upon the special qualities of the Areas of High Landscape Value within the vicinity. Advice is provided on the layout and future material choices though the indicative layout is considered well thought out. Ultimately objections are not raised the proposal or landscape impact.

83. The Councils Senior Tree Officer has commented on the application and considers that the trees to be lost to form the access do have an amenity value within the area but a compensatory landscape scheme is proposed within the site. No objections are raised to the loss of the decaying trees indentified within the submitted tree report. Trees to be retained should be protected.

84. The School Admissions Team within education have stated that there are sufficient primary and secondary school places in the area to accommodate the additional pupils from the proposed development.

85. The Manager of Countryside Estates has commented on the application, more specifically regarding implications for the Lanchester Valley Railway Path and recommends that a Pegasus crossing replaces the Toucan crossings given the popularity for horse riding. Advice on surfacing and signage is provided. Additional work to sections of the railway path to the north side of the access road should be undertaken in the public interest. Access control will be required on the railway path to prevent unauthorised access, this should be constructed to the County Councils specification and ideally located at the point where the access roads curve commences. It is also advised that development includes a removal of material from the embankment to significantly reduce the gradients at the footpath 27 crossing point again to improve the route.

86. The Neighbourhood Services Project Engineer has commented with regards to matters of drainage and flood risk. Initially some objection was raised to the content of the submitted flood risk assessment. However, a revised submission was accepted and no objections are now raised, however, all surface water drainage details must be submitted and approved by the Local Planning Authority prior to commencement on site.

87. The Spatial Policy Team has been consulted on the application. This response seeks to comment upon the acceptability of the site in principle for housing development from a planning policy perspective. The Spatial Policy Team state that the site in question has recently been identified as one of the Council's preferred Housing Allocations in the emerging County Durham Plan. The response considers the proposal having regards to the acceptability of the proposal within the context of the existing planning policy framework and the acceptability of the proposal within the context of the emerging County Durham Plan.

88. The Spatial Policy Team conclude that subject to the outstanding matter of highway safety and capacity being resolved to the satisfaction of the Highway Authority, that this application would deliver a development whose sustainability credentials are acceptable in terms of NPPF. Furthermore, the application is not considered to conflict or undermine the emerging County Durham Plan or the objectives of the existing planning policy framework for the area in their pursuit for sustainable development. Whilst it is understood that substantial objections have been made to the proposal it is not considered that these outweigh the fact that in principle of the application is acceptable in planning policy terms.
89. In light of the above subject to detailed matters being addressed no planning policy objection to the approval of this application in advance of the emerging Plan is raised.

**PUBLIC RESPONSES:**

90. A total of 84 no. letters of objection have been received with regards to the application together with a further petition containing 483 signatures also opposed to the development. This includes responses from the Campaign to Protect Rural England and Durham Bird Club.

91. Much objection relates to the sheer size of the development proposed, the increase in population and resultant pressure on services and facilities. Specific reference is made to the lack of adequate shops within Langley Park, the impact upon health services and the availability of school places. Reference is also made to the pressure upon the national grid electricity supply and sewerage disposal. Concerns are raised over crime and anti-social behaviour, compounded by a lack of facilities for younger people within the area.

92. The development is considered by some respondents to be too far from employment opportunities and overall, is not considered to be a sustainable location for development. The development is not considered to be needed, houses are not selling at present. Concerns are raised that approval of this development could result in pressure for further development on the adjacent recreational ground.

93. Objections are raised to the erosion of Greenfield land, that this is contrary to the “rural proofing” messages within the emerging County Durham Plan and that the scale and location of the development would be harmful to the landscape and visual amenity. Some objection is raised specifically at the content of the landscape and visual impact assessment. Objection is raised to the building upon of the divide between Langley Park itself and Witton Station. Some residents consider that there exist far more appropriate, Brownfield locations for redevelopment and that the regeneration of existing properties should be a priority. A point is raised that the existence of countryside and green spaces has positive benefits for mental health and that the loss of such land can in turn contribute to such problems. Reference is made to the emerging County Durham Plan proposing 250 houses for the site not the 400 sought under this development whilst another respondent does not consider that the site forms part of the emerging County Durham Plan and the 30,000 homes considered to be needed within the County Durham Plan period are objected to.

94. Objection is raised to the impact of the development upon the Lanchester Valley Railway Path, not just the recreational benefits that it provides but also its appearance, historic value, character and industrial heritage as a railway line.

95. Much objection relates to matters of highway safety and the safety for pedestrians, cyclists and horse riders. Concerns are raised over congestion impacts within the village, at the junction as a result of the development and the wider road network. Concerns relate to both the construction phase and once the development was in situ. Parking within the village is highlighted as a problem at present to be compounded by the development as is the condition of the local roads. Concerns are raised over the impact on Wallnook Lane and potential for accidents on what is considered a narrow, meandering lane. Concerns are raised over what the construction access arrangements would be and the inability for the bridge to cope with the HGVs if this is the route sought. Specific concerns and references are made with regards to the submitted transport assessment supporting the application. This includes that the closure of the bridge on Wallnook Lane will compound impact;
that the assessment fails to take into account all phases of the Station Court development adjacent; the assessment of the site location as “edge of town” is objected to; reference is made to the date of the assessment (February) when the weather was cold and snowy; objection is raised on the basis that the assessment does not factor in future Durham expansion plans such as at Aykley Heads; the assessment is not considered to take into account the lack of local employment opportunities and the degree of travelling which would occur in reality. Concerns are raised that when it snows cars will be abandoned in the village centre as they will not be able to drive uphill through the proposed estate. Included within the public responses are details of the results of traffic surveys and predicted traffic levels undertaken by local residents concluding that major disruption would result.

96. An objector states that any crossings relating to the Lanchester Valley Railway Path should be Pegasus type rather than Toucan due to the amount of horse usage. Specific objections are raised to the submitted detail of the access plans which are considered to contain inaccuracies with insufficient space actually available for the access and railway path routes. Additional site sections depicting the relationship with the river and retaining structures are considered to be necessary.

97. Concerns are also raised over the increase in pollution as a result of the traffic increases, Co2 emissions; impact on asthma suffers as well as noise and light pollution. Reference is made to the lengthy build out duration which in itself would have adverse impacts on residents.

98. Reference is made to the National Planning Policy Framework requiring developments to be deliverable and that the degree of engineering works and potential for contaminants to emerge would render this development undeliverable.

99. Concerns are raised over matters of flood risk, reference is made to flood events in the area in recent years and indeed problems due to heavy rain on 18th May this year, the impact upon the river Browney and objections are raised to the detailed content of the submitted flood risk assessment which includes reference to run-offs to a ditch which the objector considers is within the ownership of the Station Court development and would not be available to take said run-off waters. Concerns are also raised over foul water drainage and reference is made to site notices erected by Northumbrian Water asking members of the public to contact them if they see sewerage entering the river. Due to the potential for flooding issues one respondent considers that the Council or developer should provide indemnity insurance for residents with regards to damage or must ensure that they undertake the remedial works. Reference is made to existing sewerage apparatus that would be affected by the access road formation. Concerns are raised that the access road design and its levels will generate a flood risk issue.

100. The wider benefits of the development put forward by the applicant are disputed, the employment generation is not considered to be significant, the New Homes Bonus will be spent elsewhere and as the site is within Witton Gilbert Parish council tax revenue will not benefit Langley Park, varying speeds of broadband are already available within Langley Park and the benefits in custom for local shops will not occur. Responses include concern that the proposed improvements to the recreational ground adjacent would not actually occur and may not occur as it is understood that this site includes heathland that is protected. The social costs of the development are considered to outweigh any of the benefits put forward. Some respondents advise on where monies acquired from the development are spent and they should go towards street lighting.
One respondent mentions that they understand that local Cllrs are relatives of one of the planning agents.

Concerns are raised over the potential for extra dog fouling in the area.

It is understood that planning permission has previously been refused for development at the site approximately 4 years ago.

Concerns are raised over the potential harm of the development to ecological assets, including those within the recreational ground whilst Durham Bird Club raise objection to the content of the ecological survey submissions considering that greater survey work is necessary.

Concerns are raised over a potential loss of privacy and amenity due to the proximity of the proposed dwellings. Attention is also drawn to not all properties on Station Court being occupied yet and despite the significant impact the development would have, this proposal will not be appearing on searches undertaken during the property purchase.

It is considered that the quality of material finishes will not likely match that of the neighbouring Station Court development but this should be the case in the interests of consistency.

It is pointed out within the responses that the developer does not own all the land within the application. A query has been raised on the correct electoral division within which the applicant site is located.

APPLENANTS STATEMENT:

The application site is a preferred housing allocation in the emerging Durham Local Plan (HA/19) and, as such, is considered an appropriate site for housing development.

The outline scheme will help meet the identified housing needs within the local area and County delivering up to 400 residential units. The scheme will deliver a high quality inclusive and sustainable residential community well integrated with Langley Park.

- The proposed development will incorporate a variety of housing types responding to current local market provision and the demand for high quality family housing in the area.

- The development will provide a number of significant economic, social and environmental benefits, namely:

  - 20% affordable housing will be provided on site, equalling up to 80 affordable houses in total;

  - Enhancement of the ‘Old Rec’ in Langley Park including the provision of new sports facilities and the retention and protection of the SNCI through a £400,000 developer contribution;

  - Provision of new public art and linked environmental enhancements (new public benches, signage etc) through a £100,000 developer contribution;

  - £70,000 developer contribution towards community facilities in Langley Park;
- 38 full time jobs will be created during the 10 year construction period of the development;

- 45 indirect and induced full time jobs would be supported in the supply chain and related services. It is forecast 33 of these ‘spin-off’ jobs are likely to be captured locally;

- Up to £3 million net additional expenditure will be generated locally once the development is occupied supporting the creation of 30 local retail jobs;

- £40 million total capital investment as a result of the development; and

- Over £2.8 million in new homes bonus (NHB) and more than £0.5 million in additional council tax payments in addition to the NHB.

111. When assessed against the policies of the NPPF as a whole, and the emerging Durham Local Plan, and based on the submitted technical documents and Statutory Consultation responses it is clear that there are no adverse impacts which could be considered to significantly and demonstrably outweigh the benefits of granting planning permission. It is therefore our view that this application should be granted in accordance with the Preferred Options Local Plan.

**PLANNING CONSIDERATIONS AND ASSESSMENT**

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

**The Principle of the Development**

113. Much public opposition to the proposal relates to matters which can be considered to apply to the principle of the development on the land in question with objection to the development on Greenfield land, that brownfield sites should be identified first and that the development on such land is contrary to the “rural proofing” messages within the emerging County Durham Plan. A point is raised that the existence of countryside and green spaces has positive benefits for mental health and that the loss of such land can in turn contribute to such problems. Reference is made to the emerging County Durham Plan proposing 250 houses for the site not the 400 sought under this development whilst another respondent does not consider that the site forms part of the emerging County Durham Plan and the 30,000 homes considered to be needed within the County Durham Plan period are objected to. Objection is raised to the building upon of the divide between Langley Park itself and Witton Station.

114. Having regards to the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of The Town and Country Planning Act 1990 an application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development
plan as the starting point for decision making it is, however, a key material consideration. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

115. Under the provisions of the City of Durham Local Plan the application site is located outside of any settlement boundary. Policy E7 of the Local Plan advises that land outside of settlement boundaries shall be considered as countryside and development shall be resisted except in certain exceptional circumstances. Policy H5 of the Local Plan relates to housing in the countryside and essentially only accepts residential development in such areas where necessary for a rural worker. In addition the application site lies within the bounds of the designated Browney Valley and Policy R14 seeks to encourage the informal recreational potential of the Browney Valley. The development of a residential estate of up to 400 dwellings must be considered contrary to these policies.

116. Although the application site is within the bounds of the former Durham City Local Authority and the City of Durham Local Plan is directly applicable to the site, some reference should also be had to the Derwentside District Local Plan 1997 due to the application site being within such close proximity to land covered by this Local Plan. Indeed, at the proposed access point, the application site immediately abuts the land covered by The Derwentside District Local Plan. With regards to the principle of the development the Derwentside District Local Plan includes Policy EN2 which seeks to prevent urban sprawl by resisting the encroachment of urban areas into the countryside unless specifically identified sites on the edges of existing settlements permit this. The development of 400 dwellings on fields to the east of Langley Park must again be considered to be in conflict with this policy.

117. However, despite this conflict with Development Plan policies consideration must be had to material planning considerations other than the Development Plan including the NPPF. Consideration should also be had to the emerging County Durham Plan though this plan is still at a stage where changes could be made and therefore the degree of weight which can be attached to it is relevant though somewhat limited. The Council has formulated a positions document “Assessing Development Proposals in a Changing National Planning System” agreed at Cabinet. This document is not an interim policy but seeks to provide steerage and a consistent approach on development proposals in the light of the national changes within the NPPF and within the context of the age of the existing Development Plan and emergence of the replacement County Durham Plan. This positions document advises on key considerations including assessment against the Development Plan; assessment against the NPPF and key principles of sustainable development; whether approval of the proposal now would achieve the emerging objectives of the County Durham Plan or would prejudice the delivery of the County Durham Plan; whether a five year housing supply is demonstrated in the Strategic Housing Land Availability Assessment; whether the proposal delivers current needs or contributes to improved facilities in the locality and whether there is community support for the proposal.

118. In terms of the NPPF paragraph 55 advises against isolated housing in the countryside. The application site is not wholly isolated from other residential property, indeed the site borders residential properties being completed at the former Anderson Coach works. Other properties arranged in a linear pattern on Wallnook Lane are situated in the immediate area. The site is slightly more detached from the
genuinely built up areas of Langley Park though again properties are still located around 120m to the west of the recreation ground. The NPPF does state at paragraph 52 that the supply of new homes can sometimes be best achieved through suitable extensions to existing villages in some circumstances.

119. With regards to the site being Greenfield, a key point of public objection, the NPPF does encourage the reuse of brownfield land, clearly stated a paragraph 17. However, though the development on brownfield land is clearly encouraged the development of Greenfield land is not necessarily inappropriate and again paragraph 52 considers extensions to villages (which may include encroachment into the countryside around) can be an appropriate means to deliver housing. Officers do not consider that the site being predominantly Greenfield prevents the proposal being acceptable in principle.

120. With regards to the point raised in the public responses that countryside and green open spaces aid with mental health issues, officers do not wish to dispute the benefits that countryside may have in this regard. However, equally officers do not consider that an objection to the development of the site in principle on these grounds would be justified. Objection is also raised within the public responses to the building upon of the divide between Langley Park itself and Witton Station. The merging or coalescence of settlements is an established reason to find developments unacceptable in some instances. However, the City of Durham Local Plan does not identify Witton Station as a settlement though equally officers would not want to disagree with local residents that it has a character, identity and history of its own. The development proposal would benefit from its own separate access road. Wallnook Lane itself and the properties arranged in a linear pattern along it would remain accessed off Wallnook Lane and therefore in this manner a separate and semi-rural feel would remain on Wallnook Lane despite the large estate proposed beyond to the south.

121. The application site not only includes Greenfield land but also agricultural land. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The application has been accompanied by an agricultural land assessment and the land is classified as 3b. The most production and highest quality agricultural land falls into classes 1, 2 and 3a and there are statutory consultation requirements with DEFRA where 20 hectares or more of such land are to be lost. This is not the case with regards to this development and as a result officers do not consider that objection be raised to the principle of the development as a result.

122. A presumption in favour of sustainable development is the key theme running throughout the NPPF. Part of the assessment in this regard should be a consideration of the accessibility of services and facilities to which paragraph 38 of the NPPF relates. Much public opposition to the development relates to the question of the sustainability of the proposal in this location with reference made to the considered lack of adequate shops within Langley Park, the impact upon health services and the availability of school places. Reference is also made to the pressure upon the national grid electricity supply and sewerage disposal. Concerns are raised over crime and anti-social behaviour, compounded by a lack of facilities for younger people within the area.
123. Langley Park itself has been identified within the County Durham Settlement Study 2012 as one of the County’s Smaller Towns and Larger Villages and is therefore considered to be within the bracket of “second tier” settlements across the County. These act as smaller, more localised centres and contain a reasonable array of services due to their location, which tends to be far enough away from the main towns (e.g., Durham, Consett and Crook) to ensure these settlements are self-sustaining, but to a lesser degree than the main towns themselves. As such the emerging County Durham Plan identifies Langley Park as a focus of some new housing growth and so in principle it is considered that the settlement can grow in a sustainable manner. Facilities within Langley Park include a school, pubs, shops and community buildings, some employment land with industrial units also exist within the village. Langley Park is therefore considered to benefit from an adequate provision of services and facilities.

124. Officers do accept that a degree of detachment of the site from village centre exists. The nearest bus stop is 240m from the proposed estate at the very nearest point, local shops are around 400m from the site boundary and the furthest point of the site is approximately 1km away. The primary school is approximately 840m walk from the site boundary. Aside from the public comments it is noted that the Highway Authority have originally referenced the distances to local services. Officers do not deny that some of the walking distances to services, facilities and transport links are less than ideal. However, equally the distances involved are quite commensurate with many other residential areas including within Langley Park itself. The western fringes of the established settlement are for example 1.2km from the Front Street. In addition the applicant has sought to demonstrate within the application submission that the sustainability credentials of the site can be improved, for example through creating better linkages between the site and the village centre through the establishment of clear routes from the proposed estate through the recreation ground. A travel plan has also been supplied to accompany the application seeking to demonstrate a range of measures which could be utilised to improve the sustainable travel potential of the site. Suggested measures include the promotion of car sharing, walking buses and the improvements of pedestrian and cycle route permeability to the centre of Langley Park are reiterated. The Council’s Sustainable Travel Officer has commented on the submitted travel plan and it is considered to be well composed, however, it is lacking in detailed measures. A more detailed and final travel plan can be agreed by way of a condition attached on any approval and the Highway Authority have also advised that this occur.

125. Officers consider that the site is well enough catered for and within close enough proximity to the services and facilities of the village to be acceptable in this regard and to this end meeting the principle of sustainable development running through the NPPF.

126. With regards to specific public concerns over the ability of existing schools and health services to cater for the development, officers have sought the views of both the Council’s Education department and the NHS. The School Admissions Team within Education have stated that there are sufficient primary and secondary school places in the area to accommodate the additional pupils from the proposed development. No objections have therefore been raised nor has it been raised that extensions to existing schools to cater for the development would be necessary.

127. Similarly the Capital Projects Manager within the NHS has responded to a consultation and raised no objections to the development, considering that the development should not cause issues with service capacity, again not suggesting that extensions to or the provision of new health facilities would be required as a result of the development.
128. With regards to the specific concerns raised in public responses regarding national grid electricity supply and sewerage disposal. The applicant has submitted a public utilities statement to accompany the application which confirms that the budget estimation report has been received in which it is proposed to extend the existing high voltage underground distribution system to a position on the site and install one ground mounted substation to cater for the additional supply need. Matters of drainage and flood risk are dealt with under a separate section of this report.

129. With regards to the concerns raised over anti-social behaviour and linked to this the considered lack of facilities for younger people the applicant is proposing under a S106 agreement a financial contribution of £70,000 towards community buildings this could help in improving local community building facilities including for the young. Officers would not raise objection to the proposed development on the principle of a potential increase in crime or anti-social behaviour purely due to a sheer increase in population. The Police Architectural Liaison Officer at Durham Constabulary has been consulted on the application, no objections in principle are raised, advice is provided in relation to reducing the potential for crime in regards to matters of layout and design and at the reserved matters stage such principles can, where possible, feed into the layout and design.

130. One public respondent considers that the application site has not formed part of the preferred options for the County Durham Plan. However, officers can confirm that the land in this location has been indentified within the preferred options as a housing site although the site within the preferred options is smaller than that proposed within this application. Public respondents make reference to the proposal seeking 400 homes, which is a greater number than is referenced within the preferred options. Some public respondents wholly dispute the need for further housing in principle and the need for the 30,000 homes suggested for the plan period within the Preferred Options of the County Durham Plan. Such matters are all related to the wider question posed within the positions paper as to whether approval of the proposal now would achieve the emerging objectives of the County Durham Plan or would prejudice the delivery of the County Durham Plan.

131. The response of the Spatial Policy Team provides a detailed consideration of this matter. Amongst a range of other factors the size of the settlement and its facilities, the distribution of projected household growth and market attractiveness were considered under the formulation of the preferred options and Langley Park was considered as a suitable location for some housing growth. The site in question has been identified in the Preferred Options document as offering the best potential to address this housing requirement. The Council considers that it is unlikely that sufficient land (in the form of one or more sites) can be identified elsewhere within the area to provide an alternative to this site. Furthermore the housing requirement is unlikely to be reduced. With regards to the proposed 400 homes being in excess of the references within the Preferred Options the housing requirement for the area is a minimum figure and is to be reviewed given the imminent availability of census data. Therefore in this respect there is no basis to object to this higher yield from a purely numerical perspective providing that it does not compromise the quality of the resulting scheme or have an impact upon infrastructure or highway safety that cannot be mitigated. Furthermore the applicant has sought to demonstrate why it is appropriate that the site be delivered at this point rather than the medium phase of the plan (5-10 years.) As the application is in outline and the build out period would be so significant then full delivery ultimately will be in the medium term rather than the short term. The applicant has also stated that the housing development constitutes only 1% of the total housing delivery for the plan period and in this
context the amount of housing to be delivered at this point is not significant County and plan period wide.

132. In view of the above it is considered that the proposed scale and location of development accords with the emerging County Durham Plan’s strategy and would not undermine it. Furthermore, it is not considered that the release of the site now in advance of the Plan is likely to prejudice other land owners right to have their suitable sites considered as potential housing allocations. With regards to the public responses that further housing is simply not needed, although it is acknowledged that the emerging County Durham Plan is only at the preferred options stage, housing growth is a key principle within the spatial planning approach for the County with 30,000 new homes identified as an aim for 2030. The spatial policy steerage for the Council is clear that new homes are considered to be required and it is not considered that officers can recommend refusal of the application on a considered lack of need for the housing.

133. Further consideration should be had to whether a five year housing supply is demonstrated in the Strategic Housing Land Availability Assessment as The NPPF requires LPA’s to maintain a 5-year supply of deliverable sites and there is also an additional buffer of 5% to ensure choice and competition in the market for land. Therefore whether the Council is able to demonstrate sufficient specific deliverable sites to deliver a rolling 5-year supply of housing is a material consideration in the decision making process on the application.

134. The Spatial Policy Team have confirmed that on a countywide basis a 5 year supply plus 5% buffer can be demonstrated. Relevant policies for the supply of housing are considered to be up to date and there is no justification to attribute great weight to the site’s potential contribution to the housing land supply in respect to the next 5 years supply.

135. Further key considerations within the positions document “Assessing Development Proposals in a Changing National Planning System” are whether the proposal delivers current needs or contributes to improved facilities in the locality and whether there is community support for the proposal.

136. With regards to the contributions to improve facilities and current needs, the applicant is proposing a S106 legal agreement to ensure the provision of 20% affordable housing which meets the need established within the Strategic Housing Market Assessment (SHMA) for the former Durham City area. Policy R2 of the Local Plan requires major residential development to provide informal play and amenity space within development sites. Furthermore the Open Needs Space Assessment (OSNA) identifies deficiencies of parks and gardens and semi-natural greenspace in the ward within which the site is situated and is adjacent to with further deficiencies in relation to outdoor sports space and play space in the locality. Although only at the outline stage the indicative plans submitted propose to form sections of public open space within the development site and any future reserved matters can seek to incorporate such on site, informal recreation provision. Furthermore a financial contribution of £400,000 (£1,000 per dwelling) is also proposed under a S106 agreement and this money can be used to improve and redevelop the recreational quality of the adjacent recreation ground. Similarly a further financial contribution of £100,000 having regards to the requirements of Policy Q15 of the Local Plan is proposed towards public art and environmental improvement schemes, again the intention being that this money be spent on the adjacent recreation ground. As mentioned previously £70,000 is also being provided by the applicant to improve
local community buildings for public use. Officers therefore consider that this demonstrates a significant contribution towards affordable housing need and local facility improvements.

137. The applicant also seeks to demonstrate further, wider benefits of the development namely the positive impacts on the construction industry, the uplift in local expenditure and local fiscal impacts including for the Council. The applicant draws attention to these considered benefits in the context of the focus which the NPPF places on economic growth. Some public respondents have contested such benefits considering amongst the responses that impacts on local shops and services for example will not occur and that the benefits of the Council tax revenues and New Homes Bonus will not go to Langley Park as it is located within a differing Parish to the application site. Officers have specifically queried the Council tax question with the Council’s revenues department and though a proportion of Council tax which feeds into Parishes is to be spent within that Parish this is only a relatively small proportion of the income received, the remaining revenues would not be restricted in such a manner. Officers consider that some benefits to local businesses and services could be expected, an increase in nearby population is more than likely to generate a degree of increase in custom. Overall officers consider that the development would likely create some multiplier economic benefits though the weight to be attributed to this should not be too great and balanced against all the other considerations pertaining to the development and site.

138. Turning attention to the matter of the degree of public support, the detailed content of public concerns and objections are referred to and commented on throughout the entirety of the report. However, this section of the report seeks to provide an overview of the public responses to development at the site to inform on the principle of the development. The Spatial Policy Team have provided detail of the public responses to the preferred options allocation and at that consultation stage 19 no. objections were received. The applicant has undertaken public consultation events prior to the submission of this formal application and the results of these events have been supplied with the application. In summary, in response to the general question "Are you generally in favour of the proposal?" public responses were; Strongly agree 18% Agree 22% Neutral 6% Disagree 11% and Strongly Disagree 43%. It is acknowledged that some public responses have also questioned the accuracy of this summary of the event by the applicant though officers have no evidence to suggest that this summary is an inaccurate depiction of the results.

139. In response to this formal planning application at the time of this report a total of 84 no. letters of objection had been received together with a petition with some 483 signatures opposed to the development. Clearly this does indicate opposition to the development proposal. However, this opposition must again be balanced against all other material planning considerations and it is not considered appropriate to refuse this planning purely on the grounds of the degree of opposition submitted.

140. In conclusion, it is clear that the development is in conflict with the policies within the Local Plan. However, the proposal is not considered to be in conflict with the NPPF and it is considered to constitute sustainable development. The application is not considered to conflict or undermine the emerging County Durham Plan and on balance the principle of the development is considered acceptable.
Impacts Upon the Character and Appearance of the Area

141. It has already been explained within the principles of the development section to this report that the development proposal must be considered contrary to the requirements of Policies E7, H5 and R14 of the City of Durham Local Plan. With the site located in the countryside as defined under Policy E7 of the Local Plan then this development would also result in a significant change to the character and appearance of the area and would result in the loss of open agricultural fields to that of a large residential estate.

142. It should also be noted that although the application site is not within a designated Area of High Landscape Value it is located within relatively close proximity both to that designated within the City of Durham Local Plan (500m to the south) to which Policy E10 relates but also within the former Derwentside District (to the north of Wallnook Lane) to which Policy EN6 specifically relates and so some consideration should be had to these designations.

143. However, taking into account the reasons explained above as to why the principle of the development can be accepted despite the location of the site then the more detailed landscape and visual impacts can be considered. Some public objection to the development relates to the visual impact of a development of this scale.

144. With the application being in outline form without details of layout, scale and appearance being reserved matters only a general consideration of the impacts of the development can be considered. However, the Council’s Principal Landscape Architect has not objected to the development. It is considered that at the reserved matters stage and with the use of appropriately attached conditions an adequate landscape scheme both within the site and on adjacent land under the applicant’s control can be devised which would mitigate the impact of the development. With the land rising to the south and being the more visible and land to the east being open countryside, a landscape buffer can be devised to the south and east of the application site to mitigate impact in the longer views and create a more suitable transition from open countryside to the rooftops of the proposed residential development. The longer distance implications of the development are considered within a submitted landscape and visual impact assessment which considers that the effect on landscape and visual amenity of the development from key viewpoints was either only moderate (1 instance) moderate/minor (3 instances) or minor (6 instances). The mitigating impact of landscape buffers will reduce these impacts farther still.

145. The application site lies within the bounds of a locally (not nationally) designated historic park/garden to which Policy E26 of the Local Plan relates. Design and Conservation have been consulted on the application, in part to provide advice on the impact of the development having regards to this land designation. Design and Conservation consider that although the site forms part of a wider undesignated historic park/garden the landscaped has changed significantly since this time and the development is not considered to harm its character and no objections are raised regarding the content of Policy E26 of the Local Plan. The Council’s Principal Landscape Architect has also raised no objections having regards to the local historic parkland designation.
146. At this outline stage detailed consideration of the layout, final scale or appearance of the dwellings is not for consideration. Some public opposition to the development references the quality of the materials and conservation type development at adjacent Witton Station Court and that such quality would unlikely occur in this 400 dwelling scheme. However, officers do consider that in principle a layout and appearance of development could be devised that would suitably integrate into the area and meet the design principles required by Policy Q8 of the Local Plan and Part 7 of the NPPF. Design and Conservation have stated within their comments that a design code should be devised for the development to guide the detailed layout and design of the estate. A design code could ultimately be conditioned, however, officers consider that the reserved matters consideration will be able to appropriately control the future design and layout and that a specific condition on a design code is not ultimately necessary.

147. A key specific visual impact to be considered is the formation of the access road and implications for the Lanchester Valley Railway Path and associated landscaping and this is a matter of significant concern that emerges from the public consultation responses received.

148. Undoubtedly the works required to engineer the proposed access road are significant and would require the excavation of the raised former railway embankment and with this removal of a significant strip of trees and landscaping which currently enclose this section of the railway path. However, once again landscaping schemes ultimately devised in detail at the reserved matters stage can be devised to mitigate impact, once again providing areas of landscaping adjacent to sections of the access road and realigned Lanchester Valley Railway Path. Although the development would result in a significant change to this particular part of the site officers also consider that ultimately when all works and landscaping are complete the harm would be mitigated and the visual impact acceptable. Furthermore it should also be noted that the Council's Manager of Countryside Estates has not objected to the visual impact of the works required to the Lanchester Valley Railway Path though advice on surfacing and signage is provided and additional work to sections of the railway path to improve its usability are requested and this can be resolved by way of condition on any approval.

149. The indicative plans submitted at this stage propose to retain and utilise within the layout the vast majority of trees within the application site (aside from those affected by the access road) which includes a central belt of trees running north-south. No objections to the proposed loss of 2 no. decaying trees are raised by the Council's Senior Tree Officer. The retention and use of the central tree belt within the final layout would add maturity to any development on the site and aid in mitigating the visual impact.

150. On balance having regards to part 7 of the NPPF and the most applicable Policies E10, E14, E15, E26, Q5, Q6 and Q8 of the City of Durham Local Plan officers raise no objections to the application having regards to the impact upon the landscape and character and appearance of the area.

Residential Amenity

151. Some public opposition to the development raises concerns over the proximity that dwellings would be built to existing property and the loss of privacy and amenity.
152. Policy Q8 of the Local Plan provides specific guidance on residential development to ensure adequate privacy and amenity for all. Similarly Policy H13 of the Local Plan also seeks to protect the amenity of existing residents from new developments.

153. As the application is at the outline stage the precise layout, scale and appearance of the dwellings at this stage is not known. However, the sites slight detachment from Langley Park does mean that in general, significant separation exists between the site and many residential properties in the area. The closest properties to the proposed residential properties are those at the Witton Station Court development and adjacent Austin House. The indicative plans submitted do show that distances in excess of 21m between main facing elevations within the development and these closest properties which does accord with the requirements of Policy Q8 of the Local Plan. The indicative plans also indicate that acceptable separation can also occur between properties within the estate itself. Ultimately, however, a detailed layout will not be submitted until the reserved matters stage and therefore a detailed consideration of the acceptability of the relationships between properties must occur at this stage. Officers do consider, however, at this outline stage that they would raise no objection to the residential development in principle on the grounds of loss of privacy, light or outlook.

154. A point is raised within the public responses that not all properties within the Witton Station Court development have been sold or are occupied and that the development may not be appearing on searches to inform prospective occupiers. However, as the application is a formal planning application, any search which the Local Planning Authority has received since the submission of the application will be highlighting the application.

155. Much public concern is also raised over the increase in pollution as a result of the traffic increases, Co2 emissions, impact on asthma sufferers as well as noise and light pollution. Reference is made to the lengthy build out duration which in itself would have adverse impacts on residents.

156. The applicant has submitted an air quality impact assessment to assess the impact of both the construction phase and completed development upon air quality. The Councils Senior Air Quality Officer within Environmental Health has assessed the documentation supplied by the applicant and have not raised objections to the content of the assessment with the results indicating that with mitigation measures impacts during the construction phase would be negligible (moderate and slight adverse without) and post construction the impact on air quality is determined as negligible. Environmental Health have advised that the applicant submit for approval a dust control management plan.

157. With regards to matters of noise, Environmental Health have again commented and have stated that there are no direct sources of noise that would warrant a specific noise assessment or that would lead to statutory nuisance. The Local Planning Authority must consider the impact upon amenity rather than statutory nuisance. In agreement with Environmental Health officers do not consider that any element of the development proposal warrants a specific noise assessment. Officers do not consider that impacts with regards to noise emerging from the
development would be so great so as to justify objection to the development proposal. A condition can also be attached to any approval regarding construction management methods and can include means to reduce the impact of noise during the construction phase which can include details of working hours on site to be agreed. With regards to matters of light spillage with particular reference to the construction phase again light spillage again a condition can require details of lighting to be agreed.

158. With regards to the point raised over the general disruption which such a significant build out duration would cause officers agree that should planning permission be granted then any build-out period would be significant around 10 years is not an unrealistic approximation. Officers fully sympathise that if you are a neighbouring resident then the change from open fields to a building site for several years may well cause frustration and irritation. However, equally should all other aspects of the proposed development be considered acceptable then there has to be an acceptance that any new development of a significant scale will bring with it a degree of disruption but officers do not consider that this is reason alone to withhold planning permission.

159. On balance officers do not object to the application on the basis of potential harm to amenity and detailed consideration of relationships between individual properties would be assessed at the reserved matters stage.

Highways Issues

160. Matters regarding congestion and highway safety have been a point of major concern within the public responses to the application.

161. Concerns are raised over congestion impacts within the village, at the junction as a result of the development and the wider road network. Concerns relate to both the construction phase and once the development was in situ. Parking within the village is highlighted as a problem at present to be compounded by the development. Concerns are raised over the impact on Wallnook Lane and potential for accidents.

162. An objector states that any crossings relating to the Lanchester Valley Railway Path should be Pegasus type rather than Toucan due to the amount of horse usage. Specific objection are raised to the submitted detail of the access plans which are considered to contain inaccuracies with insufficient space actually available for the access railway path routes. Additional site sections depicting the relationship with the river and retaining structures are considered to be necessary.

163. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF seeks to promote sustainable transport choices. With regards to plans and decisions paragraph 32 of the NPPF advises that safe and suitable access to a site should be achieved for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In addition as the proposed development relates to the formation of a junction with Front Street Langley Park consideration should also be had to the Derwentside District Local Plan to which Policy TR2 relates and states that planning permission will only be granted where a clearly defined and safe vehicle access and exit, adequate provision for service
vehicles, adequate vehicle manoeuvring, turning and parking space, effective access at all times for emergency vehicles, satisfactory access to the public transport network and a satisfactory access onto the adopted road network can be provided.

164. The Highways Agency have been consulted on the application whom essentially assess the application with regards to the potential impact of increases in traffic on the trunk road network. The Highways Agency have raised no objections.

165. The Highway Authority originally submitted objections to the proposed submission and development. The transport generation rates within the submitted TA were considered a less robust approach to the traffic generation and therefore the junction modelling results are better than could be anticipated. The Highway Authority considered that the applicant should reassess the junction modelling results. The Highway Authority considered that the addition of development traffic would result in increased journey times and have an overall detrimental impact on network and base conditions, the TA provided no analysis of the impacts of this on the link capacity. The A167/A691 Sniperley roundabout was shown to be above capacity and the original concerns of the Highway Authority was that as a result the development would compound this.

166. The application was originally submitted with a priority as opposed to a signalised junction with the Front Street and this was considered unacceptable by the Highway Authority. Further concerns were raised that a car park which will provide parking for users of the Lanchester Valley Railway Path is proposed for removal without replacement. No alternative emergency access was also provided within the originally submitted scheme.

167. In response to this the applicant has endeavoured to resolve the original concerns of the Highway Authority. Additional addendums to the TA have been submitted presenting revised junction modelling. Amended plans have been submitted this time providing a signalised junction as oppose to a priority junction and also proposing additional measures of highway signage and markings.

168. In response the Highway Authority have confirmed that they have withdrawn their objection to the proposal and on balance now consider the development, subject to conditions, to be acceptable from a highway safety perspective.

169. The Highway Authority have stated that the consultant has produced a technical note which demonstrates that without development traffic, sections of the A691 will operate above theoretical capacity in the design year (2023). The addition of development peak hour traffic could result in slight increases in all these conditions. However, from the additional information and assessment it is considered that the additional impacts of the development could not be considered severe over and above the predicted demands. Therefore no objection is offered as a result of impacts on the A691.

170. A revised access to the development is proposed via a signalised junction at the Wallnook Lane/Diggerland/Front Street entrance. Introduction of signals at this location will result in peak hour queuing on Front Street. A scheme has been set-out in the revised drawings which demonstrates measures can be brought forward that would satisfy the Highway Authority’s concerns that a safe access could be engineered. Therefore no objection is offered as a result of impacts at the Front Street/Wallnook Lane/Diggerland revised junction.
171. The consultant has considered emergency and alternative access provision should the main access to the development not be available and have provided an alternative solution which is satisfactory.

172. With regards to the concerns expressed regarding sustainable travel opportunities the Highway Authority have stated upgraded connections are now proposed to be provided at the recreation ground linking to the existing Langley Park Front Street and that pedestrian and cyclist access can be provided to the Lanchester Valley Way to the east of the site. A more detailed travel plan would be required to be agreed by way of condition. A condition is also requested that construction of the Front Street signal controlled access is complete before occupation of the 50th unit.

173. As a result of the applicant’s submission of additional details and plans, the Highway Authority have therefore concluded that the proposed development is acceptable from a highway perspective.

174. Some of the public objection raises a wide variety of detailed concerns on the submission and development. Concerns are raised over what the construction access arrangements would be and the inability for the bridge to cope with the HGVs if this is the route sought. Officers consider that a condition should be applied to any approval requiring a detailed scheme for construction access to be agreed in conjunction with the Highway Authority, though this will likely entail that the finally proposed access route is essentially formed first to provide the route through to the fields to construct the housing. Specific concerns and references are made with regards to the submitted transport assessment supporting the application. This includes that the closure of the bridge on Wallnook Lane will compound impact; that the assessment fails to take into account all phases of the Witton Station Court development adjacent; the assessment of the site location as “edge of town” is objected to; reference is made to the date of the assessment (February) when the weather was cold and snowy; objection is raised on the basis that the assessment does not factor in future Durham expansion plans such as at Aykley Heads; the assessment is not considered to take into account the lack of local employment opportunities and the degree of travelling which would occur in reality. Included within the public responses are details of the results of traffic surveys and predicted traffic levels undertaken by local residents concluding in their opinion that major disruption would result. Specific objection is raised to the submitted detail of the access plans which are considered to contain inaccuracies with insufficient space actually available for the access railway path routes. Additional site sections depicting the relationship with the river and retaining structures are considered to be necessary.

175. The Highway Authority have not raised objection to the content of the amended and revised transport assessment pack (including addendums), detail on plans and the manner in which the surveys have been undertaken are not considered to be flawed. With regards to factoring in the future expansion officers consider that as this is future and non-committed development it is correct that these future developments do not significantly figure within the transport assessment.

176. Concerns are raised that when it snows cars will be abandoned in the village centre as they will not be able to drive uphill through the proposed estate. Officers do not consider that the potential for this is a reason to object to the proposal. Once the development was complete, as with all built up areas the estate would be considered in terms of whether it should be gritted given the various priorities. Officers would assume that the residential estate would not be a gritting priority and other main routes would take precedence but this is consistent across the County
and the potential for this estate being left ungritted and difficult to negotiate in the
snow is not considered a reason to withhold planning permission.

177. An objector states that any crossings relating to the Lanchester Valley
Railway Path should be Pegasus type rather than Toucan due to the amount of
horse usage. This is a point raised by the Manager of Countryside Estates.
Consideration has been made to incorporate a Pegasus crossing at the junction,
however, this cannot be engineered at this particular location. Whilst this is
unfortunate given that horse riders can legally cross any signalised junction officers
equally consider that it is not a point on which a substantive objection warranting
refusal of the application could be made.

178. On balance the proposed development is considered to be acceptable from a
highway perspective both in terms of safety and having regards to sustainable
transport access.

Flood Risk

179. A further major concern of local residents relates to matters of flood risk.
Reference is made to flood events in the area in recent years and indeed problems
due to heavy rain as recently as the 18th May this year, the impact upon the river
Browney and objections are raised to the detailed content of the submitted flood risk
assessment which includes reference to surface water run-off to a ditch which the
objector considers is within the ownership of the Witton Station Court development
and would not be available to take said run-off waters. Concerns are also raised
over foul water drainage and reference is made to site notices erected by
Northumbrian Water asking members of the public to contact them if they see
sewerage entering the river. Due to the potential for flooding issues one respondent
considers that the Council or developer should provide indemnity insurance for
residents with regards to damage or must ensure that they undertake the remedial
works. Reference is made to existing sewerage apparatus that would be affected by
the access road formation. Concerns are raised that the access road design and its
levels will generate a flood risk issue.

180. Policy U9 of the Local Plan specifically relates to development and
watercourses and Policy U10 specifically relates to development and flood risk. Part
10 of the NPPF in part advises on flood risk information requirements on applications
and the criteria when determining applications.

181. The application was originally submitted with a flood risk assessment to which
the Environment Agency and the Council’s Neighbourhood Services Project
Engineer originally objected. However, in response the applicant supplied a further
flood risk assessment with amendments including providing greater clarity on
overland flows. The revised submission has appeased the concerns of the
Environment Agency and the Council’s Neighbourhood Services Project Engineer
and objections have been removed.

182. Much public concern relates to the potential for overland flows of water
heading downhill from the development site and from some discussions with local
residents it is understood that this was certainly one of the problems which were
experienced as recently as 18th May. The submitted flood risk assessment
acknowledges that due to the lie of the land and the increase in hard surfacing that
overland flows is a key consideration and it states that the risk of flooding from
overland flows to the north of the site is known. The flood risk assessment states to
reduce this risk a swale has been designed to intercept any overland flow along the
southern boundary. A swale with a base width of 1.25m and depth of 0.6m will safely
convey overland flows of 0.42m³/s generated during 1 in 100yr rainfall event including climate change. The proposed swale would run along the entire southern boundary of the site and will convey overland flows into ditches.

183. Officers therefore fully appreciate the concerns over flooding which residents have raised and in particular reference the problems which there have been as recently as May. However, the content of the flood risk assessment clearly indicates that it is understood that overland flows from the north are a concern and it is key consideration that the flood risk assessment seeks to demonstrate can be adequately managed. Conditions regarding the agreement of a final sustainable urban drainage system (SUDs) and adherence to elements of the flood risk assessment can be attached to any approval.

184. Some public objection raises specific concern with the amendments which have occurred to the proposed access road for the development which has resulted in the levels at which the access would be sited being slightly lower than that originally proposed. Officers have discussed this matter further with the Council’s Neighbourhood Services Project Engineer and the Environment Agency both of whom have stated that the alterations to the road levels would have no additional implications or concerns which have not already been considered.

185. With regards to concerns over foul sewerage disposal Northumbrian Water have been consulted and again no objections have been received but they have stated that the development should adhere to the requirements of the flood risk assessment. A condition is also requested for attachment on any approval requiring that development should not commence until a detailed scheme for the accurate location, protection and access to its apparatus during construction and after development has been agreed. This is in relation to apparatus located in the far south of the application site which Northumbrian Water must have access to at all times. Such a condition can be attached to any approval.

186. With regards to the reference made within the public responses to existing apparatus serving the Witton Station Court development, the applicant has supplied an amended plan indicating the position of this apparatus as being outwith of the application site and that it will therefore be unaffected by the new access road proposed.

187. With regards to the public respondent that references the ditch to the rear of Witton Station Court not being within the ownership of the applicant for the purposes of surface water runoff, officers understand that when dealing wholly with the run-off of surface water consent of landowners is not necessary. Irrespective of this the actual ownership of land as such is not considered to be a material planning consideration.

188. With regards to the request made that the Council or developer should provide indemnity insurance for residents with regards to damage or must ensure that they undertake the remedial works officers do not consider that this a material planning consideration as such. The LPA must, having regards to due diligence, consider the development and flood risk in coming to a decision on the planning application as this is a material planning consideration. However, ultimately the liabilities should a future flood event occur would ultimately be a matter for the legal litigation to resolve.

189. Having regards to the responses of the Environment Agency, Northumbrian Water and the Council’s Neighbourhood Services Project Engineer officers do not raise objection to the development on the grounds of flood risk.
Policy E16 of the Local Plan seeks to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through Part 11 of the NPPF most notably at paragraphs 118 and 119. The recreation ground adjacent to the application is designated as a site of nature conservation importance to which Policy E18 of the Local Plan relates and seeks to safeguard the ecological value of such sites.

191. Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England.

192. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions. The Local Planning Authority must not usurp the functions of the licensing authority in this regard. It is for Natural England to decide licensing applications; the local planning authority must only be satisfied that there is a possibility of a required license being granted. The 2010 Regulations contain three "derogation tests", which are that the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

Public concerns raised with regards to the development include concerns over potential harm of ecological assets, including those within the recreational ground whilst Durham Bird Club raise objection to the content of the ecological survey submissions considering that greater survey work is necessary.

The application has been accompanied by an extended phase 1 survey and this assesses the majority of the site as being of low conservation value. Section F1 recommended additional survey work in relation to the presence of breeding birds or bats roosting in trees. The results of these additional surveys have been submitted and the results have been assessed by the Council’s Senior Ecologist. No objections have been raised to the submitted survey work but the mitigation measures should be adhered to and this can be conditioned on any approval.

Natural England have raised no objections to the proposal but state that consideration should be had to biodiversity enhancements, however. It is not considered that a European Protected Species License is required and therefore a detailed assessment against the “derogation tests” is not necessary.

Specific consideration must also be had to the impacts of the development upon the designated site of nature conservation importance at the adjacent recreation ground. The key value of the recreation ground is its areas of heathland habitat. The combination of proposed redevelopment works to the recreation ground coupled with the increase in public access and population growth in the immediate area will have an inevitable detrimental impact upon such heathland in the medium and long term.
197. However, management, mitigation and compensation are possible. On land adjacent to the application site to the south and east and within the control of the applicant replacement habitat can be provided in conjunction and complementing a landscape scheme. Such compensatory works can be conditioned on any approval and a final scheme devised which may for example provide for heathland and grassland areas and wooded and grassland mosaic. In addition management measures can be incorporated within the recreation ground to reduce the harm to the existing heathland area.

198. Having regards to the above officers raise no objection with regards to the impact of the development upon protected species and though the development would affect the heathland within the adjacent site of nature conservation importance officers consider that an appropriate mitigation and compensatory scheme can be devised. As a result no objections are raised having regards to Part 11 of the NPPF and Policies E16 and E18 of the Local Plan.

Impact upon Heritage Assets

199. The application site is not located within a Conservation Area nor are listed buildings or ancient monuments located within or immediately adjacent to the application site. However, as previously mentioned the application site is located within a locally designated historic park/garden. Due to the scale of the development consideration should be had to any potential impacts on heritage assets located in the more medium and longer distance of the site. Consideration must also be had to archaeological assets. Policy E23 of the Local Plan relates to listed buildings, E24 relates to ancient monuments and archaeological remains whilst E26 relates to historic parks and gardens. Given the proximity of the site to the area covered by the Derwentside District Local Plan consideration should also be had to whether any impact could occur upon heritage assets in this area having regards to Policies GDP1 which considers historic features, EN17 regarding listed buildings and EN19 regarding ancient monuments and archaeological features. Part 12 of the NPPF relates to conserving and enhancing the historic environment.

200. The application has been accompanied by a heritage impact assessment which included the plotting of heritage assets on a zone of theoretical display. Given the distances involved, intervening tree belts and topography the heritage statement concludes that there would be a negligible impact on any of the listed buildings identified. With regards to the locally designated and historic parkland of Bearpark the heritage statement explains the significance of the park as an enclosure used as a deer park by the Bishops of Durham in medieval times. The significance of the park therefore rests primarily with any potential for archaeological remains.

201. Design and Conservation have commented on the application and no objections are raised to the submitted heritage assessment with no concerns raised over impacts upon heritage assets in the area including the locally designated historic parkland.

202. The application has been accompanied by an archaeological assessment and results of a geophysical survey and the Council’s Senior Archaeologist has commented on the application. The Council’s Senior Archaeologist in assessing the application and submitted documents considers the potential for encountering features extensive, or significant, enough to affect the overall feasibility of this development is low. No objections are therefore raised to the application by the Council’s Senior Archaeologist subject to conditions to secure the implementation of a programme of archaeological work in accordance with a mitigation strategy.
document and the deposit of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy at the County Durham Historic Environment Record.

203. Some public objection relates to the impact upon the Lanchester Valley Railway Path and its considered historic value, character and industrial heritage as a railway line. Officers understanding of the railway link is that it opened in 1862 to provide a rail link between Consett and its iron works and those at Middlesborough and access to the ironstone of the Cleveland Hills. The station building to the north of the site has previously been converted to a private residence. Therefore the route of the old railway does certainly contribute to the industrial heritage of area and as a result could appropriately be described as a non-designated heritage asset. The submitted desk-based archaeological assessment considers the value of the railway embankment and proposes that as part of the archaeological mitigation strategy that a recording of the section through the railway embankment to record its construction is undertaken.

204. The NPPF advices at paragraph 135 that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

205. This proposed development affects a small section of the 12 mile former railway route. The present recreational use of the former railway route would still be able to continue and in this sense the historic route still enjoyed. The archaeological desk-based assessment considers that surviving remains of the railway are likely to be limited to trackbed and formation deposits for the substantial embankment and the submitted report concludes that the impacts would be negligible. The post-determination archaeological mitigation to be secured by condition would look to record and analyse any significant findings.

206. Having regards to the above officers would not raise objection to the proposed development on the grounds of the impact upon the heritage qualities of the Lanchester Valley Railway Path. More generally officers also raise no objection to the proposed development having regards to the impact upon other designated and undesignated heritage assets.

Other Issues

207. The impacts of the development upon the Lanchester Valley Railway Path have been considered having regards to the visual impact of the development, highways implications and impact upon it in the context of being an undesignated heritage asset. However, specific consideration should also be had to the impact of the development upon its main function of recreation.

208. Policy T19 of the Local Plan seeks to encourage a safe, attractive and convenient network of cycle routes whilst Policy T21 seeks to safeguard the needs of walkers. It should also be noted that the route is very popular with horse riders. Policy R14 of the Local Plan seeks to encourage the informal recreational potential of the Browney Valley. Although a degree of disruption as a result of the works to the Lanchester Valley Railway Path would be inevitable in order to facilitate the development, the proposal seeks to realign and maintain not extinguish the route.

209. It could be argued that when using the railway path the proposed siting adjacent to a section of the access road is less visually appealing than at present. However, taking into consideration the amount of the railway path affected in the
context of the whole route coupled with the mitigating impact which a landscaping scheme adjacent to the new access road can provide officers do not consider that the impact on the environment of the route would be so negatively impacted upon as to warrant objection.

210. The Council’s Manager of Countryside Estates has not objected to the impact upon the Lanchester Valley Railway Path and its recreational use. Advice is provided on signage, surfacing and access control which can be resolved through a combination of conditions and section 38 and section 278 agreements with the Highway Authority. The applicant has stated a willingness to implement an improvement scheme regarding of a section of the railway path beyond the site at the request of the Manager of Countryside Estates as this area of path is very steep and difficult to negotiate for users. Such works can be resolved via condition on any approval and this would provide an improvement to this section of the path from present.

211. The Sustainable Travel Officer has commented on the application and considers that additional pedestrian/cycle access points onto the Lanchester Valley Railway Path from the proposed development be provided. The indicative masterplan indicates that routes from the proposed residential estate to the east and west of the Witton Station Court development can be provided onto the railway path. These routes can be more clearly defined at the reserved matters stage but officers would not raise an objection to the availability or passage to the railway path from the proposed residential development.

212. Overall objections are not raised to the impacts of the development upon the recreational value of the Lanchester Valley Railway Path having regards to its users and having regards to the most applicable Local Plan Policies T19, T21 and R14.

213. Public Rights of Way have also been consulted on the application having regards to the impact of the development on public rights of way to which a specific Local Plan Policy R11 relates. Public Rights of Way note that footpath 27 would appear to require re-routing as a result of the development and a diversion under S257 of the Town and Country Planning Act would be required. Adequate provision of footpaths within the development is expected and improved linkages through the recreation ground would be welcomed at the reserved matters stage. No objections, however, are raised to the application.

214. The application has been accompanied by a preliminary geo-environmental appraisal report. Policy U11 of the Local Plan relates to matters of land contamination and seeks to ensure that the nature and extent of contamination is fully understood when considering development proposals. Environmental Health have considered the development and submitted report and in view of the lack of industrial land uses on the site there is not a significant risk to the end users or other identified receptors an no adverse comments are made in relation to the proposal. Confirmation has also been provided that no further investigations or conditions to cover matters of site investigation and land contamination are required.

215. Some concerns have emerged from the public consultation exercise with regards to the engineering works required by the development unearthing potential contaminants and also that the works to remedy this would render the development undeliverable. However, taking into account the findings of the submitted geo-environmental report and the comments of Environmental Health further works will not be required to remediate the site or render it acceptable for future receptors. Officers have specifically discussed with Environmental Health whether any concerns would be raised or need for further site investigation emerge from the
excavation to the former railway embankment. On this Environmental Health have stated that the risks from the works to the railway embankment would be restricted to the construction workers themselves and that the Construction Design and Management Regulations separately require the developer to consider all risks from activities during construction for employees and anyone else affected by the activity. Officers therefore consider that no additional investigation is specifically required as part of this application.

216. The Coal Authority have also been consulted on the planning application. Policy U13 of the Local Plan relates to development and unstable land. The Coal Authority have raised no objections to the development subject to imposition of condition that the intrusive investigative works recommended within the submitted geo-environmental appraisal are undertaken prior to the commencement of development. Such a condition can be attached on any approval.

217. Turning to public responses which have not been considered elsewhere in this report, some concerns are raised that approval of this development could result in pressure for further development on the adjacent recreational ground. Officers do not consider this to be the case. The application has been submitted on the basis that it is proposed for improvements to the recreational ground to be facilitated for through a financial contribution and this would be ensured through a S106 agreement. Irrespective of this as with all planning applications, each development proposal is considered on its own merits, should any future applicant seek development on any land adjacent to this application site that proposal would have to be considered on its own merits at that time.

218. It is pointed out within the responses that the developer does not own all the land within the application. This has been known throughout the consideration of the application, an applicant is entitled to include within an application site land outside of their ownership but they must in accordance with article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 correctly serve notice on the other land owners or certify that all reasonable steps have been taken to identify every such land owner and publicise in a newspaper as an alternative. The applicant has certified within the application that the requirements of article 11 have been met. A query has been raised on the correct electoral division within which the applicant site is located. The electoral division boundary actually altered during the course of the planning application. The correct electoral division is Esh and Witton Gilbert.

219. A further response states that it is understood that planning permission has previously been refused for development at the site approximately 4 years ago. However, officers have undertaken a planning history search and the results of that are detailed in the planning history section. Officers cannot see that there exists an application for a similar refused development dating back approximately four years.

220. Concerns are raised over the potential for extra dog fouling in the area. An increase in population and use of the recreation ground and railway path will no doubt result in an increase in dog walking. However, in turn an increase in dog waste bins can be provided if demand necessitates, potentially the proposed improvements to the recreation ground funded by the development could cater for this and indeed general waste bins.

CONCLUSION
221. The proposed development seeks the provision of up to 400 no. dwellings and associated works. The application site lies outside of any settlement boundary. As a result the development must considered contrary to the requirements of Policies E7, H5 and R14 of the Local Plan. However, consideration must be had to all other material planning considerations including the NPPF. Officers consider that the development does constitute sustainable development, the key theme running through the NPPF and that the development does not conflict with the emerging County Durham Plan nor cause harm coming forward in advance of this plan. The principle of the development can therefore be accepted.

222. Several other key considerations apply to the site other than the principle of the development namely matters of highway safety, visual impact, impact upon residential amenity, matters of flood risk ecology and impacts upon highway safety. Many of these issues are raised as concerns within the public responses to the application.

223. All matters have been considered in detail but the proposal is not considered to be harmful or unacceptable in relation to any of these issues and in conclusion officers recommend approval of the application.

**RECOMMENDATION**

That the application be APPROVED subject to the following conditions and subject to the entering into of a Section 106 agreement to secure:

i) The provision of 20% affordable housing within the site

ii) A financial contribution of £400,000 for recreational enhancements to the adjacent recreation ground

iii) A financial contribution of £100,000 for public art and environmental enhancements to the adjacent recreation ground

iv) A financial contribution of £70,000 towards community building improvements within Langley Park

v) Inclusion of a targeted recruitment programme

1. Application for approval of details of appearance, landscaping, layout and scale (hereinafter called “the 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 reserved matters shall be obtained from the Local Planning Authority before the 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 be carried out in strict accordance with the following approved plans and details:
Location Plan SD-00.01 received 5\textsuperscript{th} April 2013
Land Ownership Plan SD-00.04 A received 16\textsuperscript{th} May 2013
Proposed Access Road Sections SD-30.03 B received 14\textsuperscript{th} May 2013
Proposed Access Road Sections SD-30.02 C received 14\textsuperscript{th} May 2013
Potential Right Turn Lanes TELANGLEY.1/14 B received 21\textsuperscript{st} May 2013
Speed Reduction Measures TELANGLEY.1/15 A received 21\textsuperscript{st} May 2013
Proposed Highway Alterations TELANGLEY .1/16 A received 21\textsuperscript{st} May 2013
Forward Visibility TELANGLEY .1/17 A received 21\textsuperscript{st} May 2013
Forward Visibility TELANGLEY .1/18 A received 21\textsuperscript{st} May 2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to relevant Policies E7, E10, E14, E15, E16, E18, E19, E23, E24, E26, H5, H12, H12A, H13, T1, T10, T19, T21, R1, R2, R9, R11, R14, Q1, Q2, Q3, Q4, Q5, Q6, Q8, Q15, U8A, U9, U10, U11, U13 and U14 of the City of Durham Local Plan 2004

4. The signal controlled junction access with Front Street Langley Park and the further highway safety enhancement measures as shown on drawings AD-30.03 B, AD-30.02 C, TELANGLEY .1/14 B, TELANGLEY 1/15 A, TELANGLEY .1/16 A, TELANGLEY .1/17 A and TELANGLEY .1/18 A shall be completed and operational prior to the occupation of the 50\textsuperscript{th} dwelling within the development hereby approved.

Reason: In the interests of highway safety having regards to Policy T1 of the Local Plan and Part 4 of the NPPF.

5. Prior to the occupation of the first dwelling a Sustainable Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include but not be restricted to providing details of the Travel Plan Coordinator. The development shall thereafter be implemented in accordance with the approved travel plan details.

Reason: In the interests of minimising traffic generation and encouraging sustainable travel, in accordance with the objectives of Policy T1 of the City of Durham Local Plan 2004 and part 4 of the NPPF.

6. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment by JBA (final report) May 2013, the recommendations detailed within section 5.7 of the report and in accordance with the following mitigation measures;

i) Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

ii) That the surface water drainage details and design, including details of overland flow routes and mitigation must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The mitigation measures shall be fully implemented in accordance with a schedule and timescale to be first submitted to and then agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding and ensure appropriate management of surface water disposal having regards to Policy U10 of the Local Plan and having regards to Part 10 of the NPPF.
7. The development hereby approved shall incorporate a sustainable urban drainage system (SUDS) based upon the content of section 4 of the submitted Flood Risk Assessment by JBA (final report) May 2013. The final and precise details of the SUDS shall be first submitted to and then agreed in writing by the Local Planning Authority prior to the commencement of the development. The SUDS shall be completed and in operation prior to the occupation of the first dwelling within the development. The details submitted and agreed shall include details of the maintenance and management regime of the SUDS.

Reason: To reduce the risk of flooding and ensure appropriate management of surface water disposal having regards to Policy U10 of the Local Plan and having regards to Part 10 of the NPPF.

8. No development shall take place until a detailed strategy to identify the accurate location, protect and permit access to the Northumbrian Water apparatus at the southern end of the application site during construction of and following completion of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of protecting essential statutory undertaker equipment and permitting access to said apparatus at all times in the interest of ensuring adequate drainage having regards to Policy U8A of the City of Durham Local Plan 2004.

9. No development shall take place until the submission of a landscape and biodiversity mitigation/enhancement scheme to be implemented on land within the ownership of the applicant as detailed on approved plan SD-00.04 A received 16th May 2013 has been submitted to and approved in writing by the Local Planning Authority. The landscape and biodiversity mitigation schemes shall include but may not be restricted to the following details and information:
   i) Layout plan detailing planting and habitat establishment potentially including mosaics of grassland and tree planting
   ii) Details of planting species, sizes, layout, densities, numbers, finished topsoil levels and depths, details of temporary topsoil and subsoil storage provision
   iii) Details of planting procedures or specification
   iv) Establishment regime, including watering, rabbit protection, tree stakes, guards etc.
   v) Detailed long term maintenance scheme including confirmation of an adherence to the replanting of any landscape features or habitat creation which fails to establish or dies
   vi) Implementation and establishment schedule/timescales referencing appropriate stages and phases of the residential development

The development shall thereafter be implemented in accordance with the agreed details.

Reason: In order to provide adequate landscape and ecological mitigation having regards to Policies E16, Q5 and Q6 of the City of Durham Local Plan 2004 and having regards to Parts 7 and 11 of the NPPF.

10. No development shall take place unless in accordance with the mitigation detailed within section E of the protected species report “Bat Survey”, within
section G of the protected species report “Breeding Bird Survey” both undertaken by E3 Ecology and received 16th May 2013 and within section F2 of the “Extended Phase 1 Survey” received 5th April 2013 also undertaken by E3 Ecology.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004 and Part 11 of the NPPF.

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

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

   Reason: In the interests of the investigation and preservation of archaeological assets having regards to Policy E24 of the City of Durham Local Plan and having regards to Part 12 of the NPPF.

12. Prior to the occupation of the first dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

   Reason: In the interests of the investigation and preservation of archaeological assets having regards to Policy E24 of the City of Durham Local Plan and having regards to Part 12 of the NPPF.

13. No development shall take place until the further ground investigation works recommended within section 7 of the submitted Geoenvironmental appraisal report referenced C5184/Rev A by Sirius have been implemented. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should also be undertaken prior to the commencement of development.

   Reason: To ensure the safety and stability of the development having regards to mining legacy and having regards to the content of Policy U13 of the City of Durham Local Plan 2013.
14. No development shall take place until a strategy of construction working practices must be submitted to and approved in writing by the Local Planning Authority. Said working practices strategy shall include (but not exclusively) means to suppress dust, noise and light impacts, provide details of traffic management methods, compound location and hours of site working. Thereafter the development will be implemented in accordance with the approved strategy.

Reason: In the interests of public amenity, in accordance with the objectives of saved Policies H13, Q8 and T1 of the City of Durham Local Plan 2004.

15. No development shall take place until a strategy comprising of a schedule of works and timescales pursuant to the realignment, reinstatement and improvement of the Lanchester Valley Railway Path has been submitted to and agreed in writing by the Local Planning Authority. Said strategy must include (but not necessarily be restricted to) timescales for the completion of works relating to the Lanchester Valley Railway Path, details of surface treatment, enclosures and signage to the railway path and re-grading of section of railway path adjacent to the public footpath 27 crossing point. Said works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the satisfactory preservation of the Lanchester Valley Railway Path having regards to public amenity and having regards to Policies T19, T21 and R11 of the City of Durham Local Plan 2004.

16. No development shall take place until full details of the construction access to the application site in order to undertake the development works has been submitted to and approved in writing by the Local Planning Authority. Said details shall include (but not necessarily be restricted to) details of the route of the construction access, details of any excavation of land to form the access route and details of the any junction arrangements. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of highway safety and public amenity having regards to Policies T1 and H13 of the City of Durham Local Plan 2004 and having regards to Part 4 of the NPPF.

17. No development shall take place until a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan 2004.

18. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that no less than 10% of the dwellings to be provided by the development comprise of “lifetime” homes as referred to within section 13 of the submitted Design and Access Statement. The scheme shall detail the specific measures incorporated into the homes. Thereafter the development shall be implemented in accordance with the approved details.
Reason: In the interests of providing an appropriate choice and mix of housing having regards to Part 6 of the NPPF.

REASONS FOR THE RECOMMENDATION

224. The development proposal does represent a departure from Policies E7, H5 and R14 of the Local Plan proposing a significant residential development beyond a settlement boundary. However, the proposal is considered to represent sustainable development having regards to the content of the NPPF. The application has been considered in the context of the emerging County Durham Plan and the proposal is not considered to be in conflict with its content and no harm is considered to result in the proposal being considered under the development management process in advance of that Plan. No significant objections are raised with regards to other key issues of highway safety, visual amenity, residential amenity, flood risk, ecology or having regards to heritage assets. The development is considered in general accordance with Policies E10, E14, E15, E16, E18, E19, E23, E24, E26, H12, H12A, H13, T1, T10, T19, T21, R1, R2, R9, R11, Q1, Q2, Q3, Q4, Q5, Q6, Q8, Q15, U8A, U9, U10, U11, U13, U14 of the City of Durham Local Plan 2004.

225. This decision has been taken having regard to the policies and proposals of the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework. Consideration has been had to the policies and proposals of the Derwentside District Local Plan 1997. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010.

226. A total of 84 no. letters of objection and a petition were received with regards to the proposal raising objection to a wide variety of issues including the principle of the development at the site but also a host of detailed matters. These objections have been considered in detail within the report but the objections/concerns raised are not considered to justify the refusal of the application having regards to all material planning considerations.

STATEMENT OF PROACTIVE ENGAGEMENT

227. This application has been determined in accordance with the aims and timescales of an agreed planning performance agreement. Officers have held meetings with the applicant and kept them continually updated with progress on the planning application. Equally officers have held meetings with members of the public concerned with the development proposal and sought to answer their queries in regards to the proposal.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
District of Derwentside Local Plan 1997
Regional Spatial Strategy (background only)
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
Planning Circular 11/95
Strategic Housing Market Assessment
County Durham Local Plan (Preferred Options)
Planning Services

Outline planning application with all matters reserved except access for the erection of a maximum of 400 dwellings and associated works

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Date 4th June 2013