

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

|                                      |   |
|--------------------------------------|---|
| <b>APPLICATION NO:</b>               | 3/2013/0407   |
| <b>FULL APPLICATION DESCRIPTION:</b> | Residential Development (Outline, up to 28 Dwellings)   |
| <b>NAME OF APPLICANT:</b>            | Ardcombe Limited  |
| <b>ADDRESS:</b>                      | Land off (east) South Church road, Bishop Auckland, Co Durham, DL14 6DJ   |
| <b>ELECTORAL DIVISION:</b>           | Bishop Auckland   |
| <b>CASE OFFICER:</b>                 | Steven Pilkington, Senior Planning Officer,<br>03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a> |

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

1. The application relates to a parcel of sloping undeveloped land currently utilised for grazing, to the east of South Church Road, Bishop Auckland. The site, which extends to 1.16 hectares, is bound to the north by Bishop Auckland to Darlington railway line, to the east by the River Gaunless and to the south and west by existing housing developments. Bishop Auckland town centre lies approximately 450m to the north west of the site while the Grade II Listed Building of 'The Grand' lies directly to the west.
2. Outline planning permission is sought for the erection of up to 28 dwellings, including means of the access, with all other matters reserved. Access to the site is proposed to be taken from South Church Road, orientated centrally to the site. An indicative site layout has been submitted suggesting that semi detached dwellings would be arranged around a single access road with a cul-de-sac. It is also proposed that the existing land levels would be altered to facilitate the development creating a level around the access road with dwellings set onto the sloping ground on the existing site, 2-3 storey in nature. The dwellings would be concentrated to the northern part of the site with the provision of an open space area to the south.
3. This application is being reported to Planning Committee as it falls within the definition of a major development.

---

### PLANNING HISTORY

---

4. There is no relevant planning history to this site.

---

# PLANNING POLICY

---

## NATIONAL POLICY

5. 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.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *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.
11. *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.
12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

14. *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.

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

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Wear Valley Local Plan are considered relevant.
16. *Policy GD1 (General Development Criteria)* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
17. *Policy BE1 (Protection of Historic Heritage)* Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
18. *Policy BE4 (Setting of a Listed Building)* Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
19. *Policy BE14 (Open Spaces)* Sets out that open spaces which contribute to the character and amenity of the area within the defined development limits will be protected from development.
20. *Policy BE17 (Areas of Archaeological Interest)* Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
21. *Policy H3 (Distribution of Development)* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
22. *Policy H15 (Affordable Housing)* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.

23. *Policy H22 (Community Benefit)* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
24. *Policy H24 (Residential Design Criteria)* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
25. *Policy RL5 (Sport and Recreation Target)* For every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
26. *Policy T1 (Highways)* Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842>*

27. The emerging County Durham Plan is at the next stage of consultation in Pre-Submission Draft form, ahead of Examination in Public in Summer 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
28. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
29. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 2350 are to be provided in Bishop Auckland.
30. *Policy 15 (Development on unallocated sites)* identifies that development on sites that are not allocated in the County Durham Plan will be permitted provided that the development is appropriate in scale, design and location to the character and function of the settlement; does not result in the loss of a settlements last community facility and would not involve development in the open countryside that does not meet the criteria of policy 35.
31. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
32. *Policy 44 (Historic Environment)* sets out that development which would lead to total loss of significance of a designated heritage asset will not be permitted unless the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found

in the medium term that will enable its conservation; conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by the benefit of bringing the site back into use.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

33. *Highway Authority* offers no objection to the development of the site, but advises that details of the carriageway levels should be secured by condition. The formation an improved footway on the A689, should also be secured while highlighting that site visibility splays from the development would need to be maintained.
34. *Environment Agency* offers no objection to the scheme subject to the development being carried out in accordance with the Flood Risk Assessment and limiting the discharge of surface water from the site.
35. *Northumbrian Water Limited* has no objections subject to controlling flow rate of foul water into sewerage system
36. *Coal Authority* has no objections subject to a condition requiring investigation works prior to development on site commencing.

### **INTERNAL CONSULTEE RESPONSES:**

37. *Design and Historic Environment Section* Offers no objections on the proposal considering that the development would have no impact on the setting or significance of the adjacent listed building.
38. *Spatial Policy Section* advise that the site is contained within the settlement of Bishop Auckland which is a main town identified for growth in the CDP. This site is well related to the town centre, and opportunities exist to enhance off-site connections to promote walking from the site, according with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the town. Furthermore the provision of 10% affordable housing will deliver clear benefits to the area which aligns with sustainability objectives.
39. *Landscape Section* offer no objection subject to suitable details of protection measures of trees to the east of the site.
40. *Archaeology Section* advises that a condition be attached to any approval requiring that further archaeology works are carried out prior to the commencement of the development appraising the character and significance of any archaeological remains to the western boundary of the site.
41. *Access and Rights of Way Section* advises that a recorded footpath runs through the site that may need diverting if not incorporated into the layout of the site.
42. *Ecology Section* has no objections, subject to the implementation of the proposed mitigation measures including the enhancement of the proposed open amenity space to the south of the site, and protecting existing habitat on site.

43. *Environmental Health* advises that a condition relating to the restriction of working hours on site should be imposed, along with appropriate measures to mitigate noise from the adjacent railway.
44. *Contaminated Land Section* recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
45. *Arboricultural Officer* offers no objection.
46. *Sustainability Officer* - Offers advice on the sustainability credentials of the site, highlighting that an improved bus service would improve the sustainability credentials of the development. It is also suggested that a scheme to embed sustainability and minimise carbon consumption should be submitted prior to development commencing.

#### **PUBLIC RESPONSES:**

47. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents.
48. Three letters of representation have been received in response expressing concerns about the development in terms of the impacts upon highway safety and the difficulties vehicles will encounter exiting the site onto South Church Road. Further concerns are also raised regarding the potential use of access at Aintree Drive and the limited wider pedestrian access into the centre of Bishop Auckland

#### **APPLICANTS STATEMENT:**

49. The development of the site represents a suitable, sustainable and accessible location for housing and is 'sustainable development' as envisaged in the NPPF. The proposals are compliant with the adopted development plan, as far as its policies remain 'up to date' and 'fit for purpose'. There are significant material considerations which weigh in favour of the grant of planning permission, including the clear direction by the NPPF to significantly boost the housing supply and presumption in favour of sustainable development.
50. The site is within the defined urban area of Bishop Auckland and is not allocated for any specific purpose in the development plan. The site is accessible by a choice of transport methods other than the private motor vehicle and a good range of existing employment sites, schools and shops located within the vicinity of the site. The site would also provide 10% affordable housing helping to meet local need.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:  
<http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=77800>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

51. 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 principal material planning considerations relate to the principle of development, visual amenity of surrounding area, highway safety, amenity of adjacent land uses, ecological interests impact on heritage assets, flooding and drainage and ground conditions.

## The Principle of Development

52. The application site is located within the defined settlement limits of Bishop Auckland, as set out in the Wear Valley Local Plan. Within these settlement limits, Policy H3 identifies that windfall housing development will be considered acceptable in principle. Policy H3 is considered consistent with the National Planning Policy Framework (NPPF) in this respect which also seeks to divert new development to sustainable locations in urban centres.
53. In terms of the Pre-Submission Draft version of the emerging County Durham Plan (CDP), Bishop Auckland is recognised as a main town and a sub-regional centre in terms of its retail offer and has a good range of employment opportunities and services. For these reasons the settlement is a focus for growth. The site has been assessed as part of the development of the CDP and currently has an unsuitable (amber) classification within the Strategic Housing Land Availability Assessment (SHLAA) due to technical development issues (land stability, gradient and flooding). Consequently it is not identified in the list of Housing Land Allocations under Policy 30 in the “Pre-Submission version” of the CDP. However the Planning Policy Section have advised that should these issues be addressed, this would represent the evidence required to justify the grant of planning permission and the site would be amended to green/suitable in future reviews of the SHLAA.
54. In the context of the NPPF, this site is considered a sustainable location given the close proximity to the town centre and as it is contained within the settlement. The NPPF seeks to boost significantly the supply of housing and housing applications are expected to be considered in the context of the presumption in favour of sustainable development. The NPPF also states that Local Planning Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
55. The applicant’s planning statement advises 10% affordable housing will be provided as part of the development. This would comply with draft Policy 31 of the CDP which sets a 10% threshold for the South Durham Area with a suggested tenure mix of 75% affordable rented housing and 25% intermediate housing. It is proposed to secure this through a S106 agreement for the scheme, providing 3 affordable units on site.
56. Part of the site is subject to Saved Policy BE14 of the Local Plan, which seeks to protect areas of open space within built up areas. The policy states that development of these areas is only permissible in instances where the land does not contribute positively to the character or amenity of the area. Consideration is given to this matter in detail below, however providing there is an acceptable visual impact the site is considered a suitable and sustainable location for new residential development. The Councils Open Space Need Assessment also highlights that within this area of Bishop Auckland there is a significant over provision of Amenity Open Space.
57. Overall it is therefore considered that subject to a detailed analysis of the impacts of the scheme, the development of the site for residential purposes is considered acceptable in principle, being compliant with the NPPF, saved Local Plan policies and the direction of the emerging plan.

Visual amenity of surrounding area

58. The application site currently consists of an undeveloped paddock bordered by the highway South Church Road to the west, the Bishop Auckland to Darlington railway line to the north and an un-adopted single track access way to the south. There is a significant level change on site falling away from south Church Road to the River Gaunless to the east.
59. Since the adoption of the Local Plan in 1997, the character of this area has changed principally due to the development of Aintree drive to the south east of the site and a separate residential development to the east. This has significantly reduced the perceived openness of the site which is now read as being located within the built framework of Bishop Auckland, rather than the edge of the settlement. In addition the site is within private ownership, with limited no public access, restricted to the PROW. It has also been heavily grazed and now has a visually unattractive appearance. The council's landscape officer therefore offers no objection the development of this site.
60. Good design is a key aspect of sustainable development and is a requirement of Part 7 of the NPPF. Although the layout is indicative and detailed improvements could be secured (such as improving the frontage onto South Church Road and breaking up the housing blocks), it is considered that the scheme represents a practical use of the development site that provides a workable layout. It is also considered that the indicated scale of the proposed development would be commensurate with the other dwellings in the area. However further consideration would be given in any reserved matters application to ensure that the proposed dwellings contribute to the quality and built environment of the surrounding area, including the landscaping of the site and retention of any sensitive vegetation.
61. Overall it is therefore considered that the existing site offers little to the character of the surrounding area due to its un-kept condition and the change in nature of area following the adoption of the Local Plan. It is considered that a residential development could be developed which would contribute to the character of the built environment, while adequate landscaping and screening could be provided to the River Gaunless.

#### Highway Safety

62. Local Plan Policy T1 requires that development proposals achieve a satisfactory means of access to the wider highway network. Concerns have been raised by local residents in relation to access and visibility on to South Church Road, while further concerns are raised that future occupants would potentially use Aintree Court as a means of access.
63. However the development would be solely served by a new access taken directly off South Church Road while internally a cul-se-sac would provide access to the dwellings. No secondary access is proposed to the site, particularly through Aintree Court.
64. In considering the proposed access arrangements, the Highway Authority raise no objection to the scheme advising that the providing the proposed visibility splay is maintained, a satisfactory access to the site would be created. It is however recommended that any consent be conditioned to require full engineering details of the proposed access road prior to the commencement of the development.
65. The Highways Authority also consider it appropriate to make provision for a widened footway along the eastern side of the A689 as this would be the principal pedestrian access link into Bishop Auckland. Although this could not be extended under the



railway bridge, which constrains the carriageway, it would improve the accessibility of the development, helping to address objectors concerns. A condition requiring this is therefore proposed.

66. Further consideration in any reserved matters application would be given to the quantity and layout of parking across the development to meet the Councils revised Residential Parking Standards. The Rights of Way Officer has identified that a Public Right Footpath runs through the site in a north south direction. Any reserved matters application would need to take account of this footpath in the layout, which could be easily adjusted to follow its established route. Alternatively a separate consent could be sought to divert the route of the right of way.
67. Overall the proposed development would be served by a satisfactory means of access, complying with policy T1 of the Wear Valley Local Plan.

#### Impact on amenity of adjacent residents and future occupants

68. Local Plan Policies GD1 and H24 highlight that residential developments should protect the amenities of neighbouring uses.
69. In reviewing the indicative internal layout, it is considered that the development would achieve minimum separation distances of 21m to existing adjacent properties and internally within the site. It is also considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable level of overlooking. In terms of open space provision an area equating to approximately 1450sqm is proposed to be set aside. This would comply with saved policy RL5 of the Local and therefore no offsite contribution is required in this respect. Any reserved matters application would be expected to replicate this provision and separation distances.
70. Approximately 20m from the northern boundary of the site lies the Bishop Auckland to Darlington railway line, which would have an effect on the level of residential amenity that prospective occupiers of the properties bordering the railway line. The Environmental Health Section consider that the developer could mitigate the impact of noise generated to an acceptable level, and future residents would also be readily aware of the proximity of the properties to the railway line. It is therefore recommended that an acoustic assessment is secured by condition and subsequent mitigation implemented on site.
71. During construction there would be noise and disturbance created for a limited period, however the councils Environmental Health Unit have separate legislative power which would be more appropriate to deal with any nuisance created. In addition to this due to the separation distances to neighbouring properties and the expected length of time to complete the development a loss amenity is not expected to arise.
72. Overall it is considered that the proposed development would comply with policies GD1 and H24 of the Local Plan

#### Ecology

73. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted a series of ecology reports and assessed the potential impacts of the development on protected species and established habitats in the area.

74. In considering these reports the Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out. These include the enhancement of the biodiversity value of the proposed open space and the protection of existing habitats to the eastern boundary of the site (it is expected that the landscaping of the site approved under any reserved matters would detail the enhanced biodiversity value of the open space). Therefore, it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

#### Historic Environment

75. Local Plan Policies BE1 and BE4 seek to preserve the historic environment, particularly the setting and character of Listed Buildings and reflect the requirements of S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance. In this instance a Grade II listed building (hotel) known as 'The Grand' lies directly to the west of the site. In appraising any potential impact on the building the Council's Design and Conservation Team advise that the proposed development would have no impact on the setting or significance of this building, given its location within an existing residential street and degree of separation to the development site.
76. In terms of Archaeology, Local Plan Policy E24 sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. Accordingly the applicant has submitted a desk-based assessment on the potential for archaeology remains to be present on site. In reviewing this assessment the Council's Archaeology Officer advises that there is the potential for the presence of archaeological remains in certain parts of the site and therefore a condition requiring further investigation and recording is recommended.

#### Flooding and Drainage

77. Paragraph 103 of the NPPF and Local Plan Policies H24 and GD1 require consideration be given to issues regarding flooding particularly from surface water run-off while requiring that developments adequately dispose of foul water. The development is located within Flood Zone 1, while further to the east of the site lies Flood Zones 2 and 3 due to the proximity of the river Gauless. Consultation has been undertaken with the Environment Agency and Northumbrian Water Limited, who offer no objections subject to a condition to control the rate of surface water run off and the rate of foul drainage from the site. Conditions detailing these are recommended.
78. The Environment Agency also suggest that a condition requiring the limiting of development within Flood Zones 2 and 3, however this matter would be secured in any reserved matter application. The indicative site layout locates the development solely within Flood Zone 1, while the topography of the site would preclude development within flood zones 2 and 3.

#### Ground Conditions and Stability

79. Given that the site is changing to a more sensitive use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination. An initial survey has not been identified significant contaminants.

80. Part of the application site lies within the High Risk Coal Mining Referral Area due to the presence of a coal seam. The applicant has submitted a Coal Mining Risk Assessment which concludes that it is likely that the site has been subject to previous coal mining activity. The report recommends a programme of investigation and mitigation to confirm the absence or otherwise of historic workings and appropriate mitigation measures. It is therefore recommended that this be secured by condition, requiring validation of these investigation works before construction of the dwelling commences as suggested by the Coal Authority.

#### Other Issues

81. Planning plays a key role in helping to reduce greenhouse gas emissions, and minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources, or through an equivalent level through energy effect measures

---

## CONCLUSION

---

82. In conclusion it is considered that although part of the site is safeguarded for open space purposes within the Wear Valley Local Plan, in its current form the site does not positively contribute to the character of the area, moreover a recent open space needs assessment highlights that there is a significant over provision of open amenity space in the area.
83. The site is otherwise located within the defined development limits of Bishop Auckland and constitutes a sustainable, accessible location when assessed against the NPPF and emerging CDP.
84. The proposed site access is considered acceptable and would not compromise highway safety. Although indicative at this stage it is considered that the layout could be designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties. The scale and layout of the development could also provide for an attractive form of development while not impacting on heritage, landscape, ecology and footpath issues.
85. Further technical work is required to satisfy the recommendations of other agencies, however there is no objection in principle from these parties, subject to appropriate conditions.
86. A section 106 legal agreement would secure the provision of 10% affordable housing across the development, equating to three units.

---

## RECOMMENDATION

---

That the application be **APPROVED** subject to the completion of a satisfactory Section 106 Obligation to secure the provision of 3 units affordable housing units on site and subject to the following conditions:-

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

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

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

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

3. The access hereby approved shall be carried out in strict accordance with the Proposed Site Layout Plan, Drwg no. 002, received 24<sup>th</sup> February 2014.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, H24 and T1 of the Wear Valley Local Plan.*

4. Notwithstanding the submitted information, provision shall be made for the widening and resurfacing of the pedestrian footway on the eastern side of the A698 in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the agreed scheme is implemented and brought into use.

*Reason:- In the interests of pedestrian safety and accessibility to the site in accordance with policies GDp1 and t1 of the Wear Valley Local Plan.*

5. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the ecological reports (Penn Associates received November 2013 and February 2014 and amended site plan Drwg no002 rev d, received 24<sup>th</sup> February 2004)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

6. No development shall commence until details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

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

7. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that the foul water discharge rate shall be limited to 1.38 l/s and the surface water discharge rate limited to 5l/s in accordance with the Flood Risk and Foul Drainage Assessment compiled by M Design, ref MD0781/rep/002, Received 18<sup>th</sup> November

2013. The development shall be carried out in accordance with the approved details thereafter.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policy GD1 of the Wear Valley Local Plan.*

8. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been 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 prior to the first occupation of the dwellings.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.*

9. No development shall take place until an Archaeological Mitigation Strategy to include a written scheme of investigation and a timetable for any investigation has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide for:

- i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the area of plots 1-13 (inclusive) as set out on Plan 002(B) Site Plan.
- ii) An assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) Proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, with a presumption in favour of their preservation in situ wherever feasible;
- iv) Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
- v) Notification in writing to the Local Planning Authority commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in accordance with the approved details. Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

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

10. Notwithstanding the submitted information, no development shall commence until full details of the means of access, including the layout, levels, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

*Reason: In the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley Local Plan.*

11. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

*A. Site Characterisation*

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and to establish whether remedial works are required to treat areas of shallow mine workings. . The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*B. Submission of Remediation Scheme*

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

*C. Implementation of Approved Remediation Scheme*

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

*D. Reporting of Unexpected Contamination*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition C.

*E. Long Term Monitoring and Maintenance*

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraph 120 of the NPPF.*

12. Notwithstanding the submitted information, the erection of the dwellings shall not commence until a detailed acoustic mitigation scheme addressing noise and vibrations generated from the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures shall be fully implemented before the dwellings are brought into use and shall thereafter be retained in perpetuity.

*Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy GD1 of the Wear Valley Local Plan.*

13. Notwithstanding the submitted information, prior to the development commencing a detailed site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

*Reason: In order to ensure the future stability of the site in accordance aims of the National Planning Policy Framework*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

---

## **BACKGROUND PAPERS**

---

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Wear Valley Local Plan

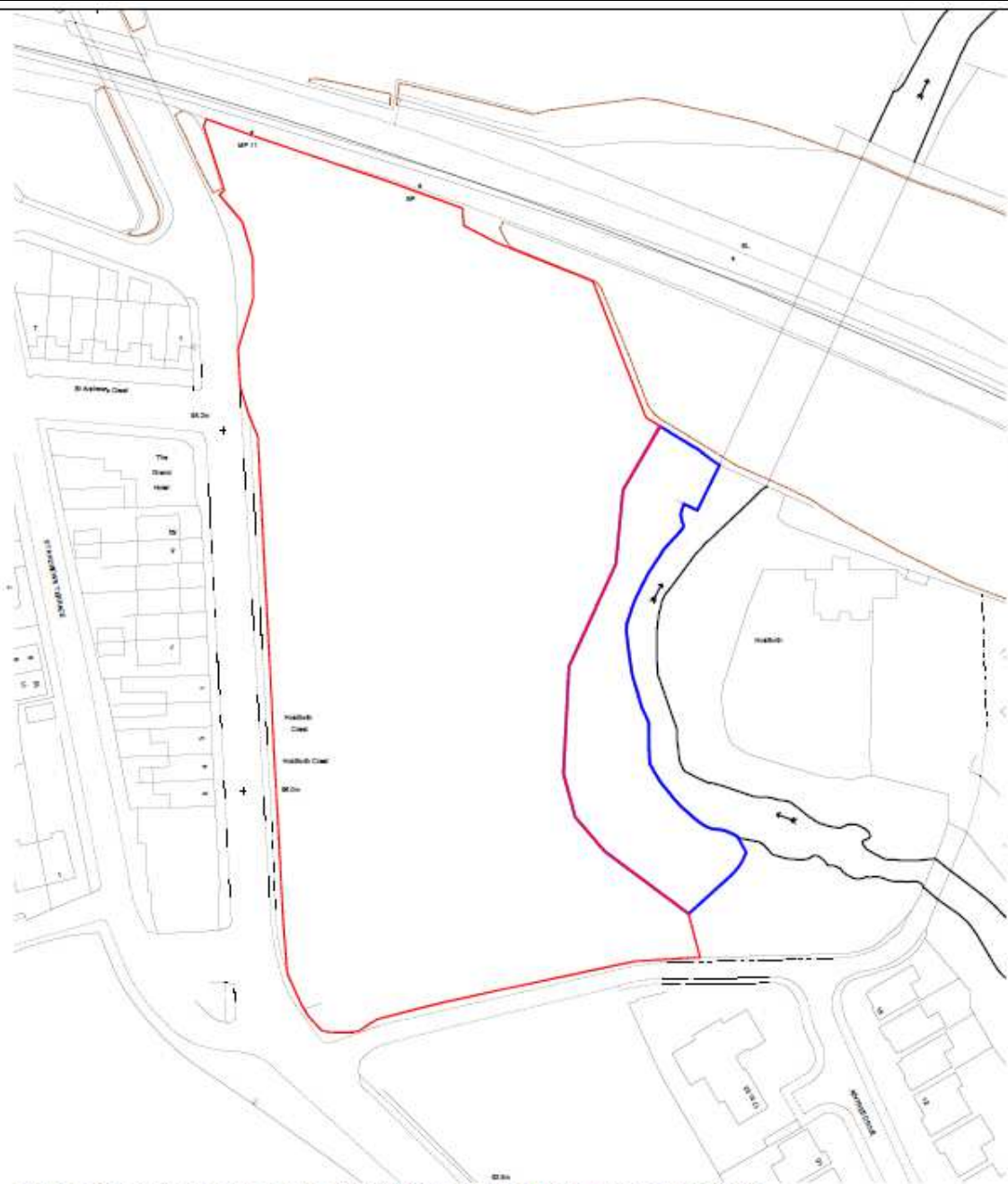
County Durham Plan (pre submission version) and

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited, and Coal Authority

Internal responses from Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Access and Rights of Way Section, Environmental Health, Contaminated Land Section, Ecology Section, and Arboricultural Officer





Ordnance Survey (c) Crown Copyright 2013. All rights reserved. Licence number 100020449



**Planning Services**

Land off (east) South Church road, Bishop Auckland, Co Durham, DL14 6DJ

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

**Comments**

**Date** 28 Feb 2014

**Scale** 1:1250