

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02575/OUT
FULL APPLICATION DESCRIPTION:	Outline application for up to 70 residential dwellings
NAME OF APPLICANT:	Avant Homes
ADDRESS:	Land Opposite 1 to 14 West Road, Willington
ELECTORAL DIVISION:	Willington and Hunwick
CASE OFFICER:	Colin Harding Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site relates to an open field located on the north western edge of Willington. It measures 4.65ha and slopes gently from north to south
2. To the north, the site is bound by residential properties on George Terrace, Red House Gardens and an area of allotment gardens; to the west and north west by the A690 West Rd and residential properties beyond; to the south by small wood and Willington Burn, with Burn Farm beyond; and to the east by Hunwick Lane.
3. The site is not subject to any designations and is not crossed by any Public Rights of Way. Willington North Dene Local Nature Reserve and Local Wildlife Site is situated approx. 250m to north east, whilst Willington South Dene Wildlife Site is situated approx. 125m to the south east. The closest Public Right of Way; Greater Willington Footpath 99 lies approximately 300m to the south west. The site lies within Flood Zone 1. Immediately to the south of the site is an area of Ancient Woodland.
4. The site is not designated for any specific purpose in neither the Wear Valley District Local Plan, nor the emerging County Durham Plan.

The Proposal

5. The application seeks outline planning permission for up to 70 dwellings, with all matters other than access reserved for future consideration. The site access would be taken directly from A690.

6. Although the only matters for consideration at this time are the principle of development and means of access, the application is nevertheless accompanied by an indicative layout. This layout could be subject to change but indicates a how a development of this size might be accommodated on site.
7. The indicative layout demonstrates that with a development of 70 dwellings, that the site would not be densely developed, and that large areas of green, public open space could be provided on site. These areas are apparently dictated by an area of surface water overland flow, and the presence of significant archaeological remains, both of which will be discussed in greater detail elsewhere in this report.
8. As a result the indicative layout shows much of the development being accommodated towards the north western portion of the site, with a small amount of development being located towards the south east, adjacent to an existing allotment site.
9. The applicants have indicated that the development would incorporate a mix of housing types, as well as provision of 10% affordable housing.
10. This application is reported to Committee as it represents a major development.

PLANNING HISTORY

11. There is no relevant planning history.

PLANNING POLICY

NATIONAL POLICY:

12. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal;
14. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions

which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

16. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
17. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
18. *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.
19. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
21. *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. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (*National Planning Policy Framework*)

22. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). The NPPG contains guidance on a number of issues, and of particular relevance to this proposal is guidance relating to design, flood risk, travel plans, transport assessments and statements in decision-taking;

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

LOCAL PLAN POLICY:

Wear Valley District Local Plan (1997) (WVLP)

23. *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.
24. *Policy ENV1 (Protection of the Countryside)*: The District Council will seek to protect and enhance the countryside of Wear Valley.
25. *Policy BE1 (Protection of Historic Heritage)*: The Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
26. *Policy BE17 (Areas of Archaeological Interest)*: When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.
27. *Policy H3 (Distribution of Development)*: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
28. *Policy H15 (Affordable Housing)*: The District 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
29. *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
30. *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.
31. *Policy RL5 (Sport and Recreation Target)*: For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
32. *Policy T1 (General Policy – Highways)*:
All developments which generate additional traffic will be required to fulfil Policy GD1 and:
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - ii) be capable of access by public transport networks.

33. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

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://www.durham.gov.uk/media/3660/Wear-Valley-District-Local-Plan/pdf/WearValleyDistrictLocalPlan.pdf> (Wear Valley District Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Greater Willington Town Council* – objects to the application. It is considered that the scale and nature of development proposed on the application site is contrary to the proper planning and sustainable development of the area, as confirmed in the SHLAA.
35. *Highway Authority* – No objection is raised. It is accepted that generated traffic arising from this development would not be material to the operation of the existing highway network, and that adequate capacity has been demonstrated. The proposed new junction on the A690 is satisfactory, although the existing 30mph limit will need to be moved west. It is further noted that the provision of a visibility splay will not require the substantial loss of hedgerow.
36. *Environment Agency* – No objection is raised, subject to a condition securing a scheme of surface water drainage and the provision of a 5m buffer around the watercourse.
37. *Northumbrian Water* – No objection is raised, subject to it being a condition of any planning approval that the development is carried out in accordance with a satisfactory means of foul drainage being agreed and implemented.
38. *Coal Authority* – Objects to the proposal. The site lies within a Development High Risk Area and no Coal Mining Risk Assessment has been submitted.
39. *Natural England* – No objection is raised. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. In respect of protected species the Council is directed to Natural England's standing advice. General advice is provided in

relation to local sites, biodiversity and landscape enhancements and impact risk zones for Sites of Special Scientific Interest.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – No objection is raised. The site adjoins the built up area of Wellington a settlement identified as a second tier town in the CDP with access to public transport, facilities and services providing for day to day needs in accordance with the principle of sustainability.
41. Although the site is located out with the existing limit to development, it is well contained by existing development and a substantial tree belt and would therefore result in an acceptable expansion of the settlement without encroaching into the open countryside. With this in mind the principle of developing the site for housing would not undermine the objectives of the WVDLP in the more recent context of NPPF.
42. The applicant has sought to address the concerns about the suitability of the site through the application and this has enabled the Spatial Policy Team to review its stance based upon the details submitted. Subject to favourable comments being secured from the County Archaeologist it is considered that the previous concerns would be adequately addressed.
43. *Design & Conservation* – The layout is fairly thoughtful and well-conceived creating a sequence of spaces and clusters of housing fronting directly onto the street. Officers welcome large areas of buffer planting on the southern edge adjacent the woodland and this extends into a wedge of open space in the eastern quarter of the site.
44. *Landscape* – Object to the proposal considering any development would be an incursion into an attractive landscape of open fields. The site is visible from a primary receptor at the east end of the A690. Requisite visibility splays dictate that most of the screening hawthorn hedge would be lost.
45. *Landscape (Trees)* – No objection is raised. The layout acknowledges woodland constraints, and the stand-off distances and buffer planting are excellent features. The negative feature would be the loss of some hedgerow for visibility splays. The layout is commended.
46. *Ecology* – No objection is raised, subject to a replacement hedgerow being provided.
47. *Archaeology* – No objection is raised. A Written Scheme of Investigation for archaeological mitigation has been agreed, and should be secured by an appropriate condition.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – No objection is raised subject to a Phase 2 Site Investigation and Risk Assessment being carried out and any necessary mitigation being implemented
49. *Environmental Health and Consumer Protection (Pollution Control)* – No objection is raised subject to conditions relating to noise levels within properties and construction pollution.
50. *Drainage & Coastal Protection* – No objection is raised. Nevertheless, it is noted that no detailed information of how surface water from the site will be disposed of has been submitted. It is stated that run off rates should not exceed greenfield rates and be in accordance with drainage hierarchy of preference.

51. *Economic Development (Employability)* – No objection is raised. Officers note that a scheme of this size could be expected to generate 8 FTE job opportunities during construction.
52. *Education* – No objection is raised. Officers advise that no contributions will be required for additional school places as the schools in the area have sufficient spare places to accommodate the additional pupils likely to be produced from this development.
53. *Sustainability* - No objection is raised. However, it is noted that the site is identified as being “less sustainable” unless issues relating to landscape, ecology and archaeology can be adequately addressed. A condition relating embedded sustainability is suggested.

PUBLIC RESPONSES:

54. This application has been publicised by means of press notice, site notices and individual letters to neighbouring properties. 14 letters of objection have been received.

The following issues were raised as points of objection:

Issues of principle

- That there is no need for extra housing provision in Willington, and that there is a large number of existing properties for sale in Willington
- Loss of agricultural land
- Local services could not cope with the pressures of additional residents
- Loss of open countryside and landscape impact.
- Proposal is contrary to County Durham Plan policies.
- The development does not constitute sustainable development.
- Proposed layout would be difficult to navigate in winter due to a north/south orientation.

Highways Impacts

- The development will be next to a busy and dangerous road
- The proposed access is in a dangerous area.
- Noise and pollution from additional traffic
- Increase in traffic

Other issues

- Loss of wildlife habitat
- Potential for mine workings beneath the site.
- The site contains a Roman road.
- Residents will contribute little to the community, as they will work and shop elsewhere.
- Flood risk
- The A690 is subject to serious flooding
- Increased foot traffic could lead to an increase in vandalism elsewhere in Willington
- The sewers will not be able to cope with additional population.
- Loss of light and overshadowing of existing properties.
- If houses don't sell, they could be sold to a housing association
- Loss of privacy due to proposed green areas and footpaths

- Additional noise and disturbance.
- Maintenance of landscaping
- Loss of views and impact upon property value.
- Concerns that 10% of the housing will be “affordable”, impacting upon security, quality of life, community and property values.

NON-STATUTORY REPRESENTATIONS

55. *Durham Constabulary Police Architectural Liaison Officer* – No objections are raised. It is stated that the Crime Risk assessment for this proposal is low however it is important to ensure that the layout does not include crime generators such as unnecessary footpaths to the rear of properties. General advice is provided in relation to site layout, footpaths, parking, garages, boundary, green space/play areas, lighting and to ‘The Guide for New Homes 2014’.

APPLICANTS STATEMENT:

56. A planning application was submitted in August 2014 following detailed pre-application discussions with officers accompanied by a full suite of supporting work from the project team. This work, in addition to the feedback received from the public consultation exercise, helped to inform the proposal currently under consideration. This has resulted in a scheme which, whilst in outline presently, will comprise a high quality, low density development of up to 70 dwellings providing a range of new homes with a choice and variety of family housing which meets the current housing needs for Willington.
57. Importantly, the proposed development is very much led by both the provision of a high quality landscape framework together with the archaeological significance of certain areas of the site, both of which have dictated the proposed scale and layout of the residential scheme in consultation with officers at Durham County Council. This has enabled the proposed development to be sensitively integrated with both the existing natural features and topography, whilst at the same time providing a logical and sensible form of development on the edge of Willington ensuring that the amenity of existing residents adjoining the site are fully protected.
58. In light of the above, the applicant is firmly of the view that this high quality development meets in full the three aims of sustainable development advocated by the NPPF and, in doing so, will result in a real asset to Willington.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

59. 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 the development; visual and landscape impact, impact upon heritage assets, highway safety and parking, ecology, flood risk and drainage, residential amenity, affordable housing and other matters.

Principle of Development

60. Paragraphs 47 – 55 of the NPPF seeks to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. A key matter in considering this proposal in the context of the NPPF is whether it would result in directing development to a sustainable location from an accessibility perspective which in turn is an important sustainability credential in the context of the NPPF's objective to secure sustainable development. To accord with the NPPF, new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.
61. It is considered at the present time that a five year housing land supply can be demonstrated, and in the context of Paragraph 49 of the NPPF, relevant policies for the supply of housing can be considered up to date, and accordingly, the presumption in favour of sustainable development as set out at Paragraph 14 of the NPPF does not apply in this case. With no deficiency in the supply of housing, there is no overwhelming need for more housing land to be released. However, it is considered that this is not a reason to resist the scheme in itself, if a proposal can be demonstrated to be otherwise sustainable. The presence of the five year supply enables the Local Planning Authority to be more selective in which sites are released, to ensure that the most sustainable and appropriate sites are brought forward for development.
62. WVDLP Policy H3 is relevant to this consideration also and is broadly consistent with the principles of the NPPF in that it seeks to direct new development to those settlements which are capable of supporting it in terms of their role, function and accessibility to services and facilities. As such it should be afforded weight in the consideration of this application.
63. Willington is recognised through WVDLP Policy H3 as offering such potential being one of the County's second tier settlements as defined by the County Durham Settlement Study (2012). Both the existing and emerging local plans recognise this settlement is appropriate for accommodating new development in that it offers a range of services and facilities to cater for day to day needs. As such, the principle of supporting housing growth within this settlement accords with existing national and local policy framework.
64. The application site is on the edge of, and outwith, the existing settlement boundary which is designated under the WVDLP through Policy H3. It is therefore contrary to the provisions of the WVDLP in this respect. Policy ENV1 of the WVDLP is therefore relevant. This Policy works in tandem with Policy H3 in that it also seeks to safeguard against inappropriate development in the countryside, including new build residential development where no rural justification can be demonstrated. The rationale behind Policies H3 and ENV1 was to minimise impact on the landscape as well as where appropriate, consolidate the built up settlement framework and direct development to those settlements best equipped to sustain such growth.
65. The NPPF at Paragraph 215 stipulates that local plan policies should be afforded appropriate weight depending on their degree of consistency with the NPPF. Whilst Paragraph 154 of the NPPF that local plan policies should indicate clearly what will and what will not be permitted and where, it is also silent on boundaries showing limits to development, and therefore it is considered that WVDLP Policy H3 cannot be afforded significant weight.

66. It should be noted however that it is not intended that limits to development will be taken forward in the emerging County Durham Plan (CDP) as a planning tool to manage development patterns. Rather the CDP adopts an approach, which better aligns with Paragraph 49 of the NPPF which directs local authorities to consider applications for new housing development within the context of a presumption for sustainable development. It is currently proposed that defined limits to development will be replaced with a definition of “built up areas”, along with policies aimed at addressing the issues of ‘Development on Unallocated Sites’ and ‘Development in the Countryside’. In this context, sites would be considered on a site by site basis.
67. The definition of a ‘built up area’ is contained within the CDP and states that if a site is to be considered as part of the built up area it needs to be physically very well contained by existing built development. Further, it should not encroach into the countryside to an extent that would cause a significant adverse landscape or townscape impact. This policy approach has been the subject of challenge at the recent CDP EiP, and therefore, it carries very limited weight at this stage.
68. The application site was an allocation in the Preferred Options Draft on the CDP, but was later discounted as more detailed site assessment as part of the Strategic Housing Land Availability Assessment (SHLAA) process highlighted technical constraints which rendered it less suitable for residential development. These constraints comprised poor pedestrian permeability, potential landscape impacts and the presence of archaeological remains.
69. It should be noted that the SHLAA assessment was a high level exercise, forming an evidence base for the allocation of housing sites in the CDP. Consequently, although found as being unsuitable within this assessment, this is considered to not necessarily render the site wholly unsuitable for housing when considered in the context of national and local planning policies, and the development management process, particularly where issues concerned within the SHLAA assessment process can be adequately overcome. These issues will be considered further elsewhere in this report.
70. Additionally, as a development of only 70 dwellings, which relates to only 0.22% of the total housing requirement for the County, and only 0.67% of the housing distribution for South Durham, it is considered that the proposal would not undermine the emerging CDP, nor the housing allocations identified within it. There are no other significant housing allocations existing or proposed within Willington which would be prejudiced by this site being brought forward at this time.
71. Consequently, it is considered that although the development is strictly contrary to existing policy within the WVLP, if it can be demonstrated that the proposal constitutes sustainable development, and that the reasons for it not being considered suitable for development within the SHLAA can be adequately addressed, that the proposal would not necessarily be unacceptable in principle. The presence of a five year housing land supply, in itself, is not considered to be a barrier to development, provided that the site and development can be shown to be suitable, and sustainable.

Landscape and Visual Impact

72. Policy GD1 of the WVLP seeks to ensure that new development is in keeping with the character of the area and furthermore, that it has regard, and is appropriate to, landscape features and open spaces of surrounding areas. Furthermore, it is stated that development should not have a detrimental impact on the landscape character of the surrounding area. Paragraph 109 of the NPPF states that the planning system

should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

73. The application site lies beyond the existing built envelope of Willington. Properties on the south side of the A690 extend to the almost the eastern extent of the site, with an area of allotments providing something of a buffer. Properties on the northern side of the A690 extend further to the west than those on the south, and address the road.
74. The southern and western extent of the site is clearly and robustly formed by an established area of dense Ancient Woodland and, also Willington Burn, and the northern extent of the site is defined by the A690.
75. Consequently, it is considered that the site is visually well contained. Certainly, any development on this site will appear to a certain extent as an extension to the settlement. However, by not extending significantly beyond the built envelope of the settlement on the northern side of the A690, and being well contained by clear landscape features, in the area of the Ancient Woodland and the A690 itself, it is considered that the development would not appear as contributing to urban sprawl, or as a significant incursion into the countryside.
76. Furthermore, with such clearly defined landscape features it is considered that the development of this site would not compromise the ability of the Local Planning Authority to resist development in other fields beyond the application site.
77. The landscape impact of the site would, it is considered, be further mitigated by the amount of landscaping proposed within the site. Although any layout at this stage is only indicative, the illustrative masterplan shows substantial buffer planting to the southern boundary, and also in the north eastern area of the site adjacent to the existing allotments.
78. Whilst the layout of the proposed development would be potentially subject to change, it should be noted that these large areas of landscaping are dictated by the fact that they serve the purposes of mitigating flood risk, and also preserving the archaeological remains that exist within the site, which will be discussed in detail elsewhere in this report. Therefore, it is considered that there is confidence that any final layout would incorporate these areas of landscaping by necessity.
79. This level of open space has resulted in a development of relatively low density; 15 dwellings per hectare, whereas usually a figure of around 30 dwellings per hectare would normally be expected. In many cases, such a low density would be considered to represent an inefficient use of land, however in this instance; the lower density serves to mitigate the landscape impact of the development and can be considered to be acceptable.
80. With regards to the potential visibility of the site, it is noted that the Landscape and Visual Assessment submitted with the application demonstrates that the development would not be widely visible when approached from the west, along the A690 until in close proximity to the site. The area of existing woodland effectively screens the site almost entirely from the south, and on approaches from the west. The site would likely be visible from the north west, from the B6299, but would be read against the existing built form of Willington and Sunnybrow, and being well contained, would not appear as incongruous.
81. The site would likely be more visible in approaches from the east along the A690, but such views would be taken from within a relatively urban setting, and when combined with existing built form to the north of A690, the development would not, it is

considered, lead to a fundamental change in the experience of people using this route. The high proportion of green spaces within the site, would also reinforce the location of the site as a transition from a built up area, to open countryside.

82. It is noted that Landscape officers object to the proposal on the grounds of visual impact, and particularly with regard to the loss of the existing mature hedgerow to the northern boundary of the site, and the increase in site visibility that would result from this.
83. Whilst a certain amount of this hedgerow would be lost in order to accommodate the access to the site, a large majority of the hedgerow could be maintained, and could continue to serve as an effective screening and landscape buffer. Concern has been raised that a larger portion of hedgerow would be lost to accommodate highway visibility splays. However with a large area of open highway verge existing beyond this hedgerow, it would appear highly unlikely that this would be the case, a point that has been clarified by the Highway Authority.
84. Having regard to the above therefore, it is considered that the proposed development could be acceptably accommodated on the site without unreasonable levels of landscape harm. This is due to the screening and containment provided by existing landscape features, and further, due to the nature and density of development proposed on the site.
85. Objectors have noted that the application would result in the loss of agricultural land, and with regards to this, Paragraph 112 of the NPPF states that where significant development of agricultural land is proposed, that it should be directed to poorer quality land in preference to that of a higher quality. This particular site is partially Grade 3a, partially Grade 3b and partially ungraded. Of this, the area of Grade 3a is considered to be within the definition of best and most versatile as defined in the NPPF. However, the area of Grade 3a land extends to only 2.2 ha, which is less than half of the total area of the site, and it is considered that the level of development proposed would not represent a significant development, or indeed loss of a significant amount of Grade 3a land, such that it would render the proposal unacceptable on this basis.
86. Overall it is considered that the proposal complies with Policies GD1 and Part 11 of the NPPF in this respect.

Impact upon Heritage Assets

87. The application has been accompanied by a desk-based heritage assessment, furthermore a geophysical survey has been carried, and subsequently, trial excavation.
88. This work has revealed that the eastern portion of the site forms the junction of two Roman roads, one of which is Dere Street. Furthermore, there is a probable Roman bridge abutment adjacent to Willington Burn. The trial excavation revealed that there is well preserved archaeological remains within the site. The route of Dere Street visible in the landscape.
89. WVDLP Policies BE1 and BE17 state that protection should be afforded to the historic environment, and that archaeological remains which would be adversely affected by development will be protected by seeking preservation in situ, or where this is not justified, by evaluation and assessment. Furthermore, Paragraph 128 of the NPPF requires developers to carry out the work necessary to understand, and consider the

significance of, any heritage assets in the form of archaeological remains prior to determination.

90. Having regards to this policy context, the applicant has sought to address the main areas of archaeological value by effectively, wherever possible, sterilising them within the development, and retaining them as areas of public open space, and footways. There is one area, immediately to the south of the existing allotment gardens that would potentially be developed upon, and it is proposed that this area is stripped and recorded. The evaluation works carried out to date identify that remains in this area are likely to be shallow and disturbed and such an approach would not be inappropriate in the circumstances. The better preserved remains in other areas would simply be fenced off during construction works and left in situ, before being landscaped.
91. Paragraph 126 of the NPPF states that development should draw on the contribution made by the historic environment to the character of a place, and the retention in the landscape of the route of Dere Street, as an area of undeveloped space, perhaps with an interpretation board, would be in accordance with this requirement.
92. Paragraph 135 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining applications. In this context, the County Archaeologist has considered the submitted information and has raised no objections to the methodology of the work carried out, nor the proposed mitigation measures, subject to these being secured by an appropriate condition.
93. The application is therefore considered to be in accordance with WVLP Policies BE1 and BE14 as well the NPPF in this respect.

Highway Safety and Parking

94. Concerns over highway safety, parking provision and the traffic implications of the development are amongst the most significant concerns of public respondents.
95. With respect to this, the application is accompanied by a transport statement (TS) which seeks to inform on and assess the key highways related implications of the development. This includes highways matters such as: the accessibility of the development, trip generation and traffic assignment, future year flows, highway safety, and present highways works necessary to facilitate the development.
96. The Highway Authority has considered the content of the submitted statement and have indicated that they are satisfied with its findings, with it being expected levels of traffic generated by this development would not have a material impact upon the overall operation of the existing highway network. This has been demonstrated by trip generation analysis.
97. The access itself is considered to be acceptable in terms of its specification and location, although it would require the relocation of the existing 30 mph speed limit, to further to the west of Willington.
98. As the Highway Authority is satisfied that traffic generation levels would not impact on the local road network in a harmful manner, highway impact is considered acceptable. The objectives of Policies GD1 and T1 of the WVLP and the NPPF are therefore considered to have been met.

Ecology

99. The submitted ecological appraisal has identified that the site is of relatively low ecological value, with the potential to have only negligible impacts upon protected species. It is noted that bats may be roosting close to the site, and may use the site boundaries for commuting purposes, but are unlikely to be present on the site itself.
100. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010 (as amended) (the Regulations). The Regulations established a regime for dealing with derogations, which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
101. In this respect, the County Ecologist has considered the submitted ecological appraisal and agrees with its findings, and also the mitigation measures that are proposed. Such mitigation measures include the retention of a buffer strip between the development and the Ancient Woodland, and the installation 10 bat roosting opportunities within the development, and 10 bird boxes.
102. Subject the securing of these mitigation measures by means of a planning condition, the application is considered to be acceptable and in accordance with the NPPF. As no license would be required, consideration of the derogation tests under the Habitats and Species Regulations would not be necessary.

Flood Risk and Drainage

103. The application is accompanied by a Flood Risk Assessment which finds that the site is not at significant risk of flooding. However, it can be subject to overland flows from the west. The area subject to these flows is towards the south western boundary of the site, closest to the Willington Burn. This area of the site is the lowest lying, and it is proposed to not develop this part of the site. It is therefore considered that the application is acceptable with regards to flood risk, and neither the Environment Agency nor the Councils' Drainage and Coastal Protection Team raise objections on this basis.
104. With regard to surface water drainage, there is no detailed scheme at the present time, with the application being only in outline form. However subject to surface water run-off being restricted to existing greenfield rates, and full details of such a scheme being submitted and agreed, then it is considered that the application is acceptable in this respect.
105. Turning to the disposal of foul sewage, it is noted that the sewage treatment works, to which the proposed development would discharge is nearing capacity and that it is potentially unable to accommodate such flows at the present time. Northumbrian Water acknowledge this fact, and has therefore requested that a condition be attached to any permission to secure full detail of works for the disposal of sewerage prior to the commencement of development. This will require the applicant to demonstrate that satisfactory means of sewerage disposal can be in place prior to any properties being occupied.

106. The application is therefore considered to be in accordance with Part 10 of the NPPF in this respect.

Residential Amenity

107. WVLP Policy H24 sets out acceptable residential design criteria, whilst Policy GD1 seeks to ensure that development respects the amenity and character of surrounding land uses. Objections from local residents have mentioned loss of amenity as a cause for concern. In this respect, the application is only in outline form and layout is a matter that is reserved for later consideration. Consequently, only limited assessment can be carried out at this time.

108. The site is generally well separated from existing properties, particularly as the necessity to avoid the area containing archaeological remains would essentially push the majority of the development further towards the western part of the site. This would result in more than acceptable separation distances to properties to the east of the site. A small number of properties are intended to be located at the south eastern corner of the site, and would be in closer proximity to existing properties, however it would appear that development could be accommodated here without unreasonable adverse impact upon the residential amenity currently enjoyed by the occupiers of existing properties. This would apply equally to those properties situated to the north of the site, on the opposite side of the A690.

109. With regard to levels of open space within the development, as previously discussed, this is considered to be particularly high in this instance and as a result, that no additional financial contribution, relating to Policies H22 and RL5 of the WVLP would be required.

110. In terms of noise, Environmental Health and Consumer Protection officers raise no objections to the proposed development, subject to noise levels experienced inside dwellings not exceeding acceptable levels, given that the site is close to a main road and a working farm. It is not expected that noise would be such an issue that it would lead to unacceptable levels of amenity that could not be mitigated. Nevertheless it is suggested that a noise survey be secured by condition, in order to identify what level of mitigation would need to be incorporated at the design stage. Noise and dust generated by the site during construction can be controlled by condition.

111. In response to the concerns of some objectors, it is considered that additional traffic noise as a result of traffic generated by this development would not be unreasonable, to the point that it would justify the refusal of the application on this basis.

112. The application therefore, insofar as it can be considered at this stage, is considered to be in accordance with WVDLP Policies GD1 and H24 in this respect.

Affordable Housing

113. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. Policy H15 of the WVLP seeks to secure an appropriate level of affordable housing on large scale residential schemes and is considered to be NPPF compliant in this respect.

114. The County Durham Strategic Housing Market Assessment identifies that a provision of 10% affordable would be required in this location, which would equate to 7 dwellings. The applicant has indicated that it is able to provide this provision, which can be secured via a Section 106 legal agreement.

115. Several objectors have raised concerns that the proposed development will contain affordable housing, on the basis that it will impact upon property values, have a negative impact upon the community and may lead to increased vandalism. In response to this, it is noted that the provision affordable housing is a key aim of both local and national planning policy, and that the provision of a wide range of homes, across the spectrum of affordability is fully in accordance with such policy. Furthermore there is no evidence that the provision of affordable housing, in itself, would lead to an increase in vandalism, or have a negative impact upon the community.
116. The application is therefore considered to be acceptable in this regard.

Other Matters

117. Coal mining legacy has been identified as an area of concern for some local residents, and it is noted, that in the absence of Coal Mining Risk Assessment, that the Coal Authority has objected to the application. However, it is considered that this issue is unlikely to be fundamental to the acceptability of the proposed development in principle, and that the necessary risk assessment can be secured by condition, with any necessary mitigation measures also being secured by condition also. Consequently, the application is considered to be acceptable with regards to land stability, in accordance with Paragraph 120 of the NPPF, which seeks to prevent unacceptable risks from pollution or land instability.
118. With regard to potential land contamination, the submitted Phase 1 Contamination Report finds that the site is at low risk from contamination, and subject to further investigation being carried out, and any required mitigation being identified and carried out, that the development can be adequately accommodated on this site. The Council's Environmental Health and Consumer Protection officer has raised no objection to the application on this basis, subject to the required work being secured by condition.
119. The Economic Development (Employability) Team note that the development could create both short term and long term apprenticeship or employment opportunities for local people. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.
120. Some objectors have raised concerns that local schools would not be able to cope with the additional demand associated with this development. The Council's Schools Places Manager has indicated that sufficient capacity exists with local schools in order to accommodate the calculated additional demand.

CONCLUSION

121. The application site lies outside of the settlement boundary of Willington, as defined by WVDLP Policy H3, and is therefore contrary to it. However, it is considered that significant weight cannot be afforded to this policy as it is not wholly consistent with the NPPF. In any event, it is considered that locationally, the site performs well, being situated on the edge of a tier 2 settlement which hosts a range of services and facilities. The indicative layout demonstrates that adequate pedestrian access could be provided for the site, meaning that access to existing services can be considered to be acceptable.

122. Furthermore, the location of the site, and the level of development proposed mean that the landscape impact would not be significantly adverse, and nor would the archaeological remains that exist on site be compromised. In this context, it is considered that the development can be considered sustainable, and despite being considered as being unsuitable for development in the SHLAA, those factors that weighed against its allocation have been addressed through the application process.
123. Whilst the presence of a five year housing land supply is such that policies for the supply of housing can be considered up-to-date, and accordingly, that the presumption in favour of sustainable development does not apply, this in itself should not be considered as a reason to withhold planning permission, and on balance, that the limited harm that would occur as a result of this development in terms of landscape impacts, does not outweigh the benefits of the scheme. Furthermore, the approval of this scheme would not prejudice the delivery of the County Durham Plan.
124. The proposed development has generated some public interest with representations reflecting the issues and concerns of local residents. These representations have been weighed along with other responses including those of statutory consultees. Whilst mindful of the nature of public concerns it is not considered that these are sufficient to outweigh the planning judgement in favour of the proposed scheme.
125. With all other matters being considered acceptable, the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 in order to secure a 10% affordable housing provision and subject to the following conditions:

1. No development shall take place until approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents:

LOCATION PLAN N81-2302 SL02

Reason: To secure an acceptable form of development that meets the objectives of Policy GD1 of the Wear Valley District Local Plan 1997.

3. No development shall commence until a coal mining risk assessment, including details of any required mitigation measures has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved mitigation details.

Reason: In the interests of land stability in accordance with paragraph 120 of the National Planning Policy Framework. This condition is pre-commencement as it concerns coal mining legacy issues which require investigation.

4. Prior to commencement of the development the developer must complete an Employment & Skills Plan for approval by the Council. Thereafter the development hereby approved shall be carried out in accordance to the agreed Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment and takes early advantage of any employment opportunities.

5. No development shall commence until full details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority and in consultation with Northumbrian Water. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory means of foul drainage is provided on site due to the restriction in capacity of the Willington Sewage Treatment works. This condition is pre-commencement so that properties are not completed without adequate sewerage provision.

6. No development approved by this planning permission shall take place until such time as a scheme to provide a suitable method of surface water drainage has been submitted to, and approved in writing by, the local planning authority. This scheme must include details of how the developer proposes to restrict the discharge from the site to the existing greenfield rate, and should take account of the drainage hierarchy of preference, including infiltration tests, and SUDS principles. Any run off rate should be calculated on the future developed area only and not the whole site area.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water. This condition is pre-commencement so that properties are not completed without adequate drainage provision.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy as detailed in the approved document 'Housing Development at Willington, County Durham: A Written Scheme of Investigation (WSI) for Mitigation Excavation, Archaeo-Environment, 2015'

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

Reason: To comply with para 128 and 141 of the NPPF because the site has archaeological interest. This condition is pre-commencement so that the proposals to record archaeological assets are devised before construction works are undertaken.

8. Prior to the development being beneficially occupied, 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: To comply with Paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- (a) The phase 1 report has identified the potential for contamination therefore , a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. This condition is pre-commencement so that the potential for contamination can be understood before disturbance and any remediation can take place.

10. No development shall commence until an Arboricultural Method Statement and Tree Protection Plan is submitted to and approved in writing by the Local Planning Authority, and that any required tree protection works have been carried out in accordance with BS5837

Reason: To ensure that existing trees and hedgerows on the site are protected in accordance with Policy GD1 of the Wear Valley District Local Plan. This condition is pre-commencement so that all trees are adequately protected from damage.

11. Prior to the commencement of development the number, type, location and specification of pedestrian accesses shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy T10 of the Wear Valley Local Plan. This condition is pre-commencement so that provision can be adequately made for pedestrian accesses.

12. Notwithstanding any details of materials submitted with the application no work to external surfaces shall take place until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to meet the objectives of Policies GD1 & H24 of the Wear Valley District Local Plan 1997.

13. No development shall take place until a detailed acoustic report, carried out in accordance with BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The report shall identify whether sound attenuation measures are required to protect future residents from the transferral of sound from farming/industrial premises and from road traffic noise. In the event that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

55dB LAeq 16hr in outdoor living areas
40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)
30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700).
and 45 dB LAmax in bedrooms during the night-time

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan. This condition is pre-commencement so that mitigation measures must be factored into the construction of the development.

14. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. Said management strategy shall include but not necessarily be restricted to the following;
- i) A Dust Action Plan containing; the methods of suppressing dust; the methods to record wind direction and speed and the meteorological conditions at the site; methods of monitoring dust emanating at and blowing from the site.
 - ii) Details of methods and means of noise reduction
 - iii) Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner.
 - iv) Details of means of reducing the potential for mud on the roads in the vicinity of the site.

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

The development shall be undertaken in accordance with the agreed construction management strategy.

Reason: In the interests of residential amenity having regards to Policy GD1 of the Wear Valley District Local Plan and having regards to Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

15. No construction/demolition activities, including the use of plant, equipment and deliveries, should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan.

16. The development hereby approved shall only be carried out in accordance with the mitigation measures proposed in Section F “Mitigation and Recommendations” of the report “Preliminary Ecological Appraisal – Land at Willington, Report no.2 Final July 2014” by E3 Ecology.

Reason: In the interests of protected species and biodiversity in accordance with Part 11 of the National Planning Policy Framework.

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

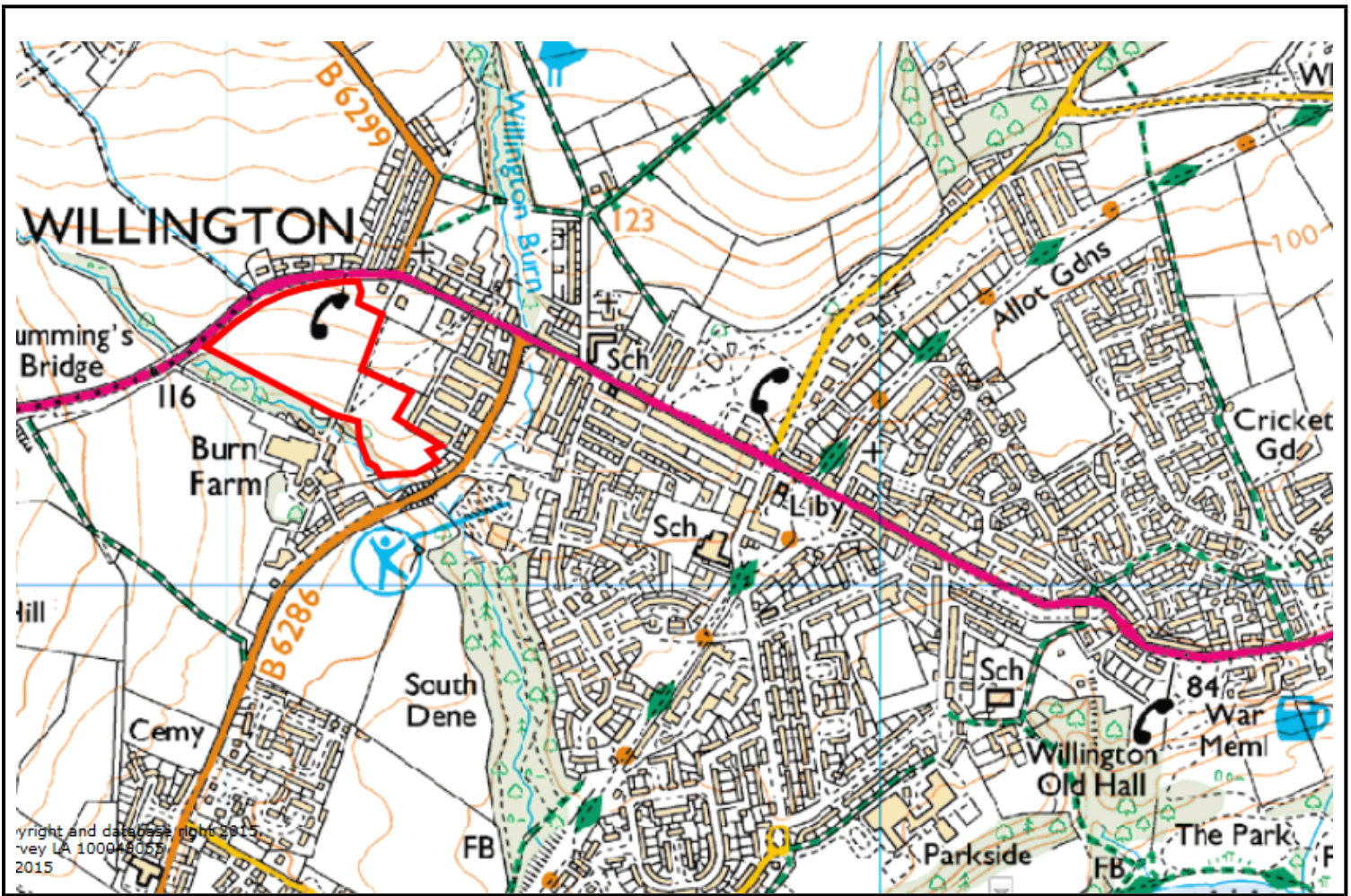
Reason: In the interests of sustainable construction and energy generation in accordance having regard to Part 10 of the NPPF. Required to be pre-commencement as the energy reduction scheme should seek to involve a fabric first approach designed and potentially implemented at an early stage.


STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- National Planning Policy Framework
- National Planning Policy Guidance
- Wear Valley District Local Plan 1997
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>Outline application for up to 70 residential dwellings on Land Opposite 1 to 14 West Road, Willington (DM/14/02575/OUT)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date July 2015</p>	<p>Scale Not to scale</p>