

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/16/04062/OUT |
| FULL APPLICATION DESCRIPTION: | Residential development for up to 150 units with all matters reserved except access |
| NAME OF APPLICANT: | Kenley Holdings |
| ADDRESS: | Land To The North Of Etherley Moor, Bishop Auckland DL14 0JU |
| ELECTORAL DIVISION: | West Auckland |
| CASE OFFICER: | Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a largely squared shaped parcel of agricultural land located to the edge of the existing residential development of Etherley Dene, to the west of Bishop Auckland. The site extends to approximately 9.71ha in area and comprises greenfield land in an agricultural use, consisting of arable fields divided by mature hedgerows. The site gently slopes in a north south direction.
2. A public right of way (Footpath No.19 (Bishop Auckland) linking the existing residential development of Etherley Dene to the village of Escomb, along with a mature hedgerow, forms the majority of the northern boundary of the site. Agricultural fields and open countryside lie beyond. A second public right of way and mature hedgerow forms the eastern boundary of the site (Footpath No.6 (Bishop Auckland) linking the highway Etherley Moor to the open countryside. Beyond which lies the existing residential development of Beckett Close. The dwellings of 2-17 Etherley Moor are located adjacent the south eastern corner of the site. The remainder of the southern part of the site consists of a mature hedgerow adjacent the highway Etherley Lane. The western boundary of the site consists of a mature hedgerow adjacent to Hallimond Road, beyond which lies open countryside and isolated dwellings. Escomb Primary School adjoins the north eastern corner of the application. The site is served by an existing field access onto Hallimond Road.

3. The site is located 2.5km to the south east of Witton-le-Wear SSSI and 560m from Escomb Pasture Local Wildlife Site. The Grade listed I building of Escomb Church is located 850m to the north of the site. Bishop Auckland Conservation Area lies 1.5km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is located 3.9km to the north west of the site. The remains of the Stockton and Darlington Railway, a Scheduled Monument lies 1.55km to the east of the site. The site lies within a designated area of Landscape Value as defined in the Wear Valley District Local Plan.

The Proposal

4. Outline planning permission is sought for the erection of up to 150 dwellings (amended from 200 dwellings) and the means of access, with all other matters remaining reserved. The access would be located midway along the southern boundary on Etherley Lane and would include highway improvement works including widening and the formation of a protected right turn along with a pedestrian crossing island. 10% of the dwellings are proposed to be offered on an affordable basis.
5. An illustrative masterplan sets out that the dwellings would be laid out in a series of cul-de-sacs to the south eastern portion of the site with large areas of open space and landscaping to the western and northern boundaries. Centrally to the site would further areas of open amenity space. It is indicated that pedestrian links would be provided through the site and along the western boundary connecting adjacent to Escomb Primary School.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 100 dwellings.

PLANNING HISTORY

7. There is no relevant planning history directly related to the site however planning permission was refused for a residential development of up to 237 dwelling directly to the south of the application site (ref DM/16/03249/FPA) in February 2017.
8. An outline application for up to 320 residential units with all matters reserved except from access is currently being considered on a parcel of land further to the south of the application site (ref: DM/16/03395/OUT).

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to

approach development management decisions positively, utilising twelve 'core planning principles'.

10. 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.
11. *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.
12. *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.
13. *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.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where

possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

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

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy ENV1 – Protection of the Countryside.* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
23. *Policy ENV3 – Area of Landscape Value –* Sets out that development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.
24. *Policy BE23 – Provision of Public Art -* In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
25. *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.
26. *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.

27. *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
28. *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.
29. *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.
30. *Policy T1 – General Policy – Highways.* 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.

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Wear Valley District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highways Authority –* Following amendments to the scheme, it is advised that proposed highways improvement works including the formation of a ghost island, pedestrian crossing refuge, widening of highway and provision of new bus stop would represent an appropriate access into the site and would not adversely impact highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and subject to offsite highway improvement works to alleviate pressures including at the junctions of at Maude

Terrace/Greenfields Road, Dilkes Street Roundabout and Woodhouse Lane/Cockton Hill junction. It is advised that residual impacts particularly at Woodhouse Lane/Cockton Hill junction would result in increased queues and delays. However, mitigation at other junctions would encourage alternative routing traffic and therefore cumulatively this would not result in a severe cumulative on the transport network. A contribution of £370,520 has been costed to deliver these wider capacity improvements which would need to be secured by a S106 agreement.

33. *Drainage and Costal Protection* – Advise that the submitted Flood Risk Assessment setting out the principle of using SUDS is acceptable and a detailed scheme should be developed around the parameters of the Assessment. This should be secured by condition to be submitted alongside any reserved matters application.
34. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighting that a water main runs through the site and the resultant layout would need to take into account its position. Further upgrade works to increase sewerage capacity would be undertaken by NWL if the development progresses.
35. *Coal Authority* – Advise a condition to secure further site investigations and any required mitigation measures in relation to historic coal mining legacy should be attached to any approval. The layout in any subsequent reserved matters application will need to take into account any shallow coal mine workings and mine entry.

INTERNAL CONSULTEE RESPONSES:

36. *Spatial Policy* – It is advised that the development would not accord with Policy H3 of the WVDLP (the Plan). However, the Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications on the edge of settlements.
37. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence which, they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.
38. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are no specific policies from the NPPF which indicate the development of this site should be restricted.

39. The site itself is considered to be well related to Bishop Auckland and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters and other specialist issues can be addressed in terms of promoting pedestrian and cycle movements and sustainable patterns of travel and landscape impact. No objections in principle to the scheme are raised.
40. *Landscape Section* – Advise that the proposals would involve an incursion of built development into open countryside to the west of Bishop Auckland which is designated as ALV. The application is accompanied by a Landscape and Visual Appraisal (LVIA) which provides information on the landscape and visual baseline and potential landscape and visual effects. In reviewing this assessment it is advised that there would be some localised harm to the character of the landscape including the ALV. However, this could be mitigated to some degree in time by the structural landscaping proposed. From elsewhere in the wider landscape the development would be visible in shallow views as a small part of visually complex panoramas. It is advised that there would be no significant effect on the general character of the settled landscapes visible in those views. The indicative design of the proposals is generally well considered and no objections are offered to the development.
41. *Landscape (Arboriculture)* – Advise that the development should be feasible without the loss or risk to significant trees. However, it is recommended that a method statement and tree protection plan (to BS5837 (2012)) is conditioned and submitted in advance of any work commencing. This should include locations and method of protective fencing and also address any potential conflict with the trees to be retained using ground protection where required.
42. *School Places and Admissions Manager* – Advises that a development of 150 houses could generate an additional 45 primary pupils and 18 secondary pupils. Taking into account current surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that the capacity of primary schools in the area would need to be increased to accommodate the additional demand. After undertaking feasibility work, it is advised that this demand could be met through the provision of additional classrooms. The final decision of where increased capacity would be provided would be taken separately by the Education Authority, a contribution of £417,603 is sought to deliver the increased capacity.
43. *Sustainability* – Highlighting that the site lies out with walking distances to services and amenities within Bishop Auckland despite good footpath links. Issues around ecology and heritage would need to be taken into account in the determination of the application. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
44. *Sustainable Travel* – Advise that the entire site is within a 400m walk to the nearest bus stop, however, the frequency of this service is 1 per hour. A frequency of 2 per hour is recommended. It is encouraged that links and upgrading of the public rights way in the vicinity of the site should be undertaken. A conditional approach is required to ensure that an appropriate travel plan is delivered at the site.
45. *Archaeology* – Advise that the results of a geophysical survey have been submitted which showing some anomalies which may be of archaeological origin are present,

but these are not considered to be extensive. The results should however be confirmed through a programme of trial trenching with the results submitted in support of the reserved matters.

46. *Access & Rights of Way* – Identify that two public rights of way cross the site (Footpath No.s 6 and 9 Bishop Auckland). Appropriate connections and upgrading of the surfaces of these paths should be secured through the planning application.
47. *Ecology* – Advise that there are no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. It is advised that the risk of foraging bats and breeding birds is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating buffers to the north and west of the development site for habitat creation and commuting routes for bats and birds, whilst existing trees and hedgerows would be retained where possible. Further scrutiny of this would be required in relation to the treatment of these areas at the reserved matters stage.
48. *Environmental Health and Consumer Protection (Air Quality)* – Advise that the number of trips generated by the development would fall below the requirement for a standalone air quality impact assessment. However, it is identified that other developments in the area have considered their impacts and it was concluded that the cumulative impacts would be negligible. It is advised that dust management plan should be adopted during the construction phase.
49. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination is acceptable.
50. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures within the submitted noise assessment reports. Whilst recognising the semi-rural location and potential associated smells no objection is made to application in relation to statutory nuisance under the Environmental Health and Consumer Protection Act. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
51. *Design and Conservation* – Advise that the site contains no known designated assets and there are no identified assets immediately adjacent to the site. However, within 850m of the site lie a range of designated assets including the Grade I listed Escomb Saxon Church. Although some distance from the application site, given the national significance of the building it is important to give due consideration to any impact. Having undertaken appropriate site visits it is apparent that any impact is mitigated by local topography and the presence of built development in between and no objections are raised on this matter.
52. *Employability Officer* - Requests that targeted recruitment and training clauses are included within a planning obligation in the event of approval

EXTERNAL CONSULTEE RESPONSES:

53. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, while no issues are raised regarding the proposed

layout. It is however identified that areas of play should be well maintained and lit. The traffic issues with Escomb School are highlighted, whilst it is advised that an adopted link to the school should be encouraged.

PUBLIC RESPONSES:

54. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 17 letters of objection have been received in relation to the development as summarised below:

Principle/Sustainability

- The number of houses proposed within the vicinity of the site is considered excessive particularly taking into account other committed and proposed developments.
- Brownfield sites should be developed first, whilst there is an oversupply of housing in the area.
- The lack of school places in the area is highlighted along with the view that an additional school should be built to accommodate demands.
- Lack of capacity of local doctors.
- The local shops and amenities could not accommodate additional demand.
- There are more sustainable locations and the site does not benefit from good public transport links.
- There is not a demand for new housing a number of properties are for sale in the area are not selling and growth rates in Durham are low.
- There is not sufficient employment for residents.
- The bus service which serves the site is limited, while more than 2 buses are required to access towns outside of Bishop Auckland.

Landscape/Design

- The site is located outside of the settlement boundaries of the village and its development would lead to a significant visual impact and urban sprawl.
- Greenfield/green belt sites should be protected.
- The landscape mitigation is not sufficient to mitigate the impact of the development.
- The refusal of a application on appeal on landscape grounds at Lanchester is highlighted.

Residential Amenity

- Loss of residential amenity caused by prolonged duration of construction works and that generated through the development.
- Air quality impacts from additional vehicles.
- Loss of outlook over adjacent countryside

Highways

- The road infrastructure would not cope with additional housing, particularly taking into account other applications proposed.
- Concerns are raised regarding the capacity of Woodhouse Close and Tindle Crescent cross roads.
- Concerns over road safety associated with the proposed access and increase in traffic particularly around peak flows.

- The road infrastructure could not cope with increased construction traffic, due to their width and nature. Existing developments such as Kynren and Auckland Castle developments put significant demands on the road network.
- The submitted transport assessment has not considered the impact of all junctions and the narrow footpaths and there are errors in the assessment/traffic monitoring.
- The crossroads adjacent to the site regularly experience accidents, particularly in relation to traffic generated from the schools in the area.
- Vehicles regularly exceed the speed limit in the area.
- Footpaths in the area are inadequate.
- There is a riding school within close proximity to the development these and other road users are incompatible with increased road traffic.
- There are already significant traffic pressures at the local school during peak times.
- The development would put further pressure on the already congested Tindle Crescent.
- The proposed ghost island would restrict highway width.

Other

- The development would result in the loss of wildlife habitat and green space which is valuable for wellbeing.
- Loss in value of residential properties/ loss of view
- The site is valuable agricultural land.
- Concerns are raised regarding the extent of the consultation exercise.
- The presence of a legal covenant on the land is highlighted.
- The submitted plans are incorrect, by not detaining all residential properties in the area.

55. A letter of objection has been received from *CPRE (Campaign to Protect Rural England)* setting out that the application in conjunction with others proposed in the area represents excessive housing development in the Bishop Auckland area. It is highlighted that the Wear Valley District Local Plan (WVLP) remains the appropriate development plan until the refreshed Durham Plan is adopted.

APPLICANTS STATEMENT:

56. Kenley Holdings have worked with the Council and local stakeholders over several years to bring forward this application to provide up to 150 new homes to the west of Bishop Auckland. With a need to provide new homes across the County the largest, most sustainable towns are appropriate locations to accommodate new residential development.
57. The proposed development has evolved and been shaped by extensive dialogue and discussion with Council Officers, consultee organisations and the local community. Consequently the application is recommended for approval and there are no objections from statutory consultees. It provides much needed family homes whilst ensuring that the character of the local area is protected and enhanced through the inclusion of large landscaped areas and new planting. The development does not rely on any other pieces of land or nearby planning applications for delivery and there is already significant interest from a number of local housebuilders.

58. The proposals have been changed in response to discussions with Officers and local stakeholders, for example the number of dwellings has been reduced from 200 down to 150 and the applicants are committed to providing assistance to the adjacent primary school. The proposals incorporate measures which other applications in the area have not, including funding for improvements at key local junctions to mitigate any highways impacts of the development.
59. The application represents a proportionate development with landscaped areas providing new and improved footpath links to Escomb Primary School – this provides direct walking routes for new and existing residents to reduce the number of car trips to the school at peak times.
60. The development will provide 10% Affordable Housing and financial contributions to education, open space and local junction improvements. The application has no objections from statutory consultees or Council Officers and represents a logical and proportionate sized development for Bishop Auckland.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OIJQ9RGDKL600>

PLANNING CONSIDERATIONS AND ASSESSMENT

61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, ecology, residential amenity, flood risk and drainage, ground conditions, heritage impacts, other matters and planning obligations.

The Principle of Development

The Development Plan

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
65. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
66. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the WVDLP are out-of-date as outlined below.
67. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield site to meet housing need when considered in the planning balance. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

Five Year Housing Land Supply

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
69. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced

on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:

1,533 houses per year (29,127 houses by 2033)

1,629 houses per year (30,951 houses by 2033)

1,717 houses per year (32,623 houses by 2033)

70. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
71. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
72. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

73. Given the age of the WVDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
74. WVDLP Policy H3 sets out that new development should be located to the towns and villages best able to support it setting out limits of development. The development conflicts with this saved policy. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole.
75. WVDLP Policy H3 is accompanied by WVDLP Policy ENV1, although not specifically relating to the supply of housing it relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would conflict with this policy. This Policy is considered only partially compliant with

the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved policy

76. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
77. The development of the site for housing would, in principle, be contrary to WVDLP policies. However, WVDLP policies for the supply of housing are out of date and development within the countryside policies are not fully NPPF compliant. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

78. NPPF Paragraph 61 sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of Etherley Dene and wider development of Bishop Auckland by indicating that existing pedestrian connections along the northern and eastern boundary would be reinforced whilst access would be provided across the development site to Escomb Primary School. Footpath improvements on the highway network and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
79. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Bishop Auckland representing a greenfield extension. A distance of 2300m (to the centre of the site) is evident to the town centre, 2400m to Tindale Crescent retail and employment sites, 1300m to the nearest secondary school and 270m to the nearest primary school. The nearest GP is located 2300m away while Bishop Auckland Hospital is located 2000m away. A convenience store is located in a garage located 150m away.
80. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Bishop Auckland is one of the largest settlements within the County with the joint highest sustainability score (with Durham City) as set out in the Council's Settlement Study 2012. This is in recognition of the wide range of services and amenities such as primary and secondary schools, several GP's and Health Centres community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Bishop Auckland was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of up to 150 dwellings is considered to be proportionate role of the town within the settlement hierarchy and

the level of services provided. The walking routes are also on adopted well-lit highways with no significant topographical restrictions. Footpath creation and resurfacing extending from opposite the site entrance into Etherley Moor are considered necessary for pedestrian access purposes. A condition to this effect is recommended.

81. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride. Bus stops are located on the east and westbound sides of Etherley Lane at a maximum of 280m walk for future residents. The easterly bound bus stop would be upgraded to a bus shelter and would give access to the town centre and connections beyond. It is recognising that the bus service only currently runs on an hourly service, below the desirable 2 per hour frequency. Consideration has been given to mechanisms to increase the frequency of this service, however mindful of other development costs and planning obligations it is considered that the development would not be able to make a financial contribution in this respect and remain viable. Notwithstanding this a range of transport options would be available for future residents whilst increase demand may allow an increased bus service at a future date.
82. Overall, it is considered the improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and Policies GD1 and H24 of the WVDLP which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

Landscape and Visual Impact

83. WVDLP Policy GD1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. Policy ENV3 also seeks to protect the special character and appearance of the Area of Landscape Value (ALV) of the Wear Valley. These Policies are considered consistent with the NPPF which also recognises the intrinsic character and beauty of the countryside whilst seeking to protect valued landscapes. Full weight can therefore be given to these Policies in the decision making process in this respect.
84. WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals for agricultural or compatible uses as permitted by Local Plan policies. This Policy is considered only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore can only be afforded moderate weight. WVDLP Policy H3 seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area can accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, in this respect moderate weight can be afforded to the Policy.
85. The application site is located on an elevated position on the high watershed between the Wear and Gaunless valleys and on the northern ridgetop of the shallow minor valley of the Coal Burn. It is visible in shallow views from the immediate locality, including views from sections of Etherley Lane, Wigdan Walls Road and Hallimond Road, some properties on the edge of Etherley Moor, some isolated properties in the vicinity and nearby footpaths. It also visible in views at greater

distances (1.5-5km) from higher ground on the opposing flanks of the Wear Valley to the north where it is seen in shallow views close to the skyline. The submitted landscape and visual appraisal sets out the site is visible in more widespread views to the east and northwest, at similar and greater distances, where it typically forms small part of visually complex panoramic views. The wider Wear Valley is designated an Area of Landscape Value, which includes this site.

86. The Council's Landscape officers advise that the effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse. This is always the case for development of this kind on green field sites. The change from open countryside to built development would be appreciated in close views from roads, footpaths and bridleways immediately bordering the site which currently have an attractive rural outlook. It is however identified that the submitted outline landscape masterplan is well considered and provides for some mitigation measures that would locally strengthen character and particularly in the west of the site with additional hedgerow and tree planting. Notwithstanding this, the overall impact on the immediate area would remain adverse given the scale and urban character of the development.
87. In respect of the impact on the character of the wider local landscape (the ridge between the Coal Burn Valley and Wear Valley within around 0.5 - 1km) it is advised that the impact would be of a medium magnitude taken in the round. The high impact of development in views from immediately adjacent to the site identified above would attenuate fairly rapidly with distance in the shallow views typical of the ridge-top. It is advised that the effect would be reduced further over time by proposed mitigation planting, whilst recognising that this would take 10 - 15 years to mature to fully screen the development.
88. In views from across the Wear Valley to the north, it is advised that the northern edge of the development would be visible on or close to the skyline, but partly screened or filtered in places by perimeter and off-site vegetation. The effect would be reduced over time by planting along the northern boundary as shown on the outline landscape masterplan. Overall Landscape officers advise that the effect on the character of the landscape of the Wear Valley in the round as being of a low-medium magnitude falling to low, having regard to the settled rural character of the view in which built form is visible elsewhere on the ridge.
89. In views from elsewhere in the wider landscape the development would be visible in shallow views as a small part of visually complex panoramas. It is advised that there would be no significant effect on the general character of the settled landscapes visible in those views. It is considered that the proposals would have some effect on the character of the ALV. These effects would be significant at a local but as described above the impact would be of a low to low-medium magnitude falling to low within 10-15 years once mitigation planting matures. Whilst it is acknowledged that the site forms part of the wider ALV, in terms of whether the site, in itself forms a "valued landscape" for purposes of Paragraph 109 of the NPPF, this is considered not to be the case. The ALV extends along a significant area along the Wear Valley as a result, the application site forms only a small part of a far larger area.
90. It is advised by Landscape Officers that there would not be a significant cumulative visual impact over and above the scheme's individual impact when considering the other developments proposed to the south.

91. WVDLP Policies GD1, ENV1, ENV3 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development, particularly in relation to the ALV. As a result of the development an extension beyond the established settlement edge would occur, contrary to local plan policies. However, this visual impact is relatively localised while views of the site would largely be set against the backdrop of existing housing development or in shallow complex landscape views. The submitted proposed landscaping strategy, subject to a detailed design and minor modifications, would help mitigate this impact. On the advice of Landscape officers it is considered that overall the development would amount to adverse landscape harm conflicting with local plan policies and the NPPF and therefore this impact needs to be considered within the wider planning balance.

Layout and Design

92. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. These Policies are considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to these policies in this respect in the decision making process.
93. Furthermore Paragraph 58 of the NPPF sets out that decision should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be resisted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
94. It is recognising that the application is in outline form, with details regarding the layout and design remaining reserved. However, an indicative masterplan has been provided which details how the development could be laid out, whilst setting out some layout parameters in relation to landscaping and pedestrian connections.
95. In considering the scheme against the above policy criteria, recognising the opportunities and constraints of the site, it is considered that overall the development would relate well to the surrounding built environment providing a low density attractive active frontage onto the southern boundary of the site and the highway Etherley Lane. Moving through the development active frontages and corner turner units are indicated to maintain an attractive street scene with adequate areas of open space. The indicated highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development. Landscape buffers would be provided to the western and northern boundary to retain a rural feel to the area and provide a soft edge to the development.

96. WVDLP Policy BE23 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the WVDLP Policy. The Policy is considered partially consistent with the NPPF, and can be afforded weight. The applicant has committed to the provision of art on the site to be secured by condition, and to either be delivered at the site entrance or within the public open space.
97. Overall, it is considered that the scheme has the potential to deliver a high quality visually attractive development and would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself to the existing settlement, in accordance with WVDLP Policies GD1 and H24 Paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

98. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF in this respect (and therefore afforded full weight) which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
99. The development would be served by a single vehicular access taken off the adopted highway Etherley Lane. The existing field to the west of the site would be retained for maintenance access. In order to facilitate the new proposed access the existing highway would be widened into the site slightly to provide a protected right turn from an easterly direction, a pedestrian refuge island and new 1.8m wide footways. The existing bus stop would be relocated and a new bus shelter provided. The Highway Authority advises that these works would result in the development being served by an appropriate means of access that would protect the highway safety of other road users. Conditions are recommended to fully detail and secure the implementation of the highway access works along with the resurfacing of the existing pedestrian footway along the B6282 Etherley Moor Road in an easterly direction for 50m to encourage pedestrian movements.
100. Objections have been raised by local residents regarding the capacity of the local highway network to accommodate the development and others proposed in the area, while it is highlighted that a number of junctions in the area experience significant queuing. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area and mitigation is proposed to bring the junction of Maude Terrace/Greenfields Road, up to operational capacity and to mitigate the impacts of development traffic flows. The mitigation is in the form of junction widening and layout changes with traffic signal reconfigurations. It is also proposed to improve the capacity of the Woodhouse Lane/Cockton Hill junction, through lane widening and re phasing of the traffic lights.

101. The Council as Highway Authority, agree with the methodology in the submitted Transport Assessment (as amended) to assess the traffic impact of these development. It is advised that the mitigation proposed at Maude Terrace/Greenfields Road would result in the junction operating satisfactorily with the added flows of the development. However, as set out in the submitted transport assessment, whilst improvements would be made to the Woodhouse Lane/Cockton Hill junction to increase existing capacity, once the development is fully occupied there would be a residual impact in that queues and delays could increase. However, the Highways Authority advise that this would likely result in drivers seeking alternative routes or spreading travel times outside the peak hours. The proposed mitigation at Tindale Crescent would help mitigate some of the alternative routing traffic whilst further mitigation at Dilkes Street Roundabout in the form of lane widening would be required.
102. Due to the mitigation proposed and the likely rerouting of traffic it is advised that severe cumulative impact on the transport network would not arise. To mitigate the developments impact a figure of £370,520 has been costed to deliver these off site highway improvements which would be secured by a S106 agreement for the Highways Authority to deliver. It is also recommended that a condition to secure the implementation of an appropriate travel plan for the site, to encourage alternative forms of transport is recommended to be secured by condition.
103. Subject to delivering the mitigation detailed above the development would acceptably mitigate its own impact on the highway network, the Highway Authority have however also considered the impacts alongside other planning applications and committed developments in the area. Without pre-empting the outcome of other applications, it is advised that if all proposed and committed developments are built, a wider scheme of highways capacity improvement would be required to ensure that the schemes would have an acceptable cumulative impact. To deliver this wider scheme of improvement the highway contributions secured under individual planning applications would be combined (whilst still complying with The Community Infrastructure Levy Regulations 2010) for the Highways Authority to detail up and deliver appropriate schemes where it considers appropriate.
104. The objections of local residents regarding the proposed access arrangements, current road conditions and cumulative impact on the highway network are noted. However, as above, after scrutinising the planning application the Highway Authority concludes that providing the improvements and mitigation are implemented there would not be detriment to highway safety and the development would not result in severe cumulative impacts. It is also further advised that mitigation work (in the form of a roundabout) would not be required at the Etherley Moor/Wigdan Walls Road junction. It is considered that this junction would operate within safety parameters, while the proposed highway improvements around the site entrance would assist in reducing vehicle speeds which include providing a safe crossing and a clearer marker to the edge of the settlement and the start of the 30 mph zone. Furthermore the direct pedestrian links to Escomb Primary School through the development has the potential to reduce vehicular trips to the school and promote more sustainable options for pupils and their families. The delivery of these improved routes would assist the school in implementing its travel plan and addressing existing localised problems. This is considered to be a benefit of the scheme in highway/sustainability terms.

105. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while the development would have some impact on the wider highway network, this would not be at a severe level, subject to securing of the mitigation proposed. The scheme is therefore considered to accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

Ecology

106. WVDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy is considered consistent with part 11 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located 2.5km to the south east of Witton-le-Wear SSSI and 560m from Escomb Pasture Local Wildlife Site. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating buffers to the north and west of the development site for habitat creation and commuting routes for bats and birds, whilst existing trees and hedgerows would be retained where possible.
107. Given the lack of impact on biodiversity interests on the site, along with the proposed mitigation, Ecology officers advise that the proposed, the development is considered to conform to WVDLP policy GD1 and Part 11 of the NPPF in this respect subject to fully developing the mitigation scheme at a reserved matters stage. A condition to secure this is recommended.

Residential Amenity

108. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. While NPPF Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
109. The indicative site layout of demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings can be achieved as advocated in the Local Plan. Overall, given these separation distances it is considered that there would not be a significant reduction in existing resident's amenity, in terms of overlooking and privacy and outlook. Further scrutiny of this matter would be given at reserved matters stage.
110. The development would increase the comings and goings of vehicles, and to lesser degree pedestrians which would have a limited impact on residential amenity of existing residents. However, this is not considered to be at a significant reduction that would warrant refusal of the application.

111. In order to limit the potential disturbance for existing and future residents during construction, the Council's Environmental Health and Consumer Protection officer recommends that a construction management plan be secured through condition to deal with construction related impacts.
112. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing commercial garage on Etherley Moor Road. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties along Etherley Lane would ensure that residential amenity would be protected. Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to implementation, the relevant thresholds set out in the Council's Technical Advice Note in relation to noise would be achieved subject to detailing the final mitigation and securing its implementation. It is highlighted that the North West corner of the site abuts a primary school and there is likely to significant noise from children playing. However, the indicative master plan proposed a substantial standoff to allow for landscaping in this area, whilst it is advised that this is a noise source which are accepted as part of community life and would be limited to term time/hours. An acceptable level of residential amenity for future residents is considered to be achieved in this respect.
113. Consideration has been given to potential odour sources in the proximity of the site by Health and Consumer Protection Officers. Whilst recognising the semi-rural location and potential associated smells no objection is made to application in relation to statutory nuisance under the Environmental Health and Consumer Protection Act. This is due to the distances of the development to potential sources with are similar to or exceed that on other non-involved properties. It is therefore considered that there would be no further constraints placed on existing businesses than the existing situation. Any potential impact on residential amenity of future residents is not considered to warrant refusal of the application given the likely frequency and levels of odours created within the above constraints. .
114. Overall, the scheme would comply with WVDLP Policies GD1 and H24 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and achieve a satisfactory separation distance internal and external to the scheme. Future residents would also experience acceptable levels of residential amenity.

Flooding Risk and Drainage

115. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
116. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a potential drainage strategy comprising the incorporation of

Sustainable Urban Drainage (SUD's) including on site attenuation to capture surface water in 1 and 100 year flood events to discharge to mains drainage at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and porous paving, which would help achieve water quality treatment and improvement before being discharged. Subject to securing the finer detail of this approach, to be submitted at the reserved matters stage the Council's Drainage and Costal Protection Section offer no objections to the principles proposed in the drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.

117. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections, subject to detailing the design of the layout. Northumbrian Water advises that the capacity of the existing network would be increased should the development commence.
118. Subject to conditions to resolve the final surface and foul water disposal, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

119. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advise that underground coal mining has taken place underneath the site at shallow depth, along with the potential of a mine entries and potential unrecorded mine workings. The applicant has detailed in principle how these mine entries would be treated while large areas of the site would be grouted to stabilise the land. The Coal Authority raises no objections to this strategy further to controlling by condition, the finer detail of any mitigation work once further survey has been undertaken.
120. In relation to land contamination the applicant has submitted a phase 1 desk top study, undertaken site investigations and gas monitoring which identifies that there is a low risk of contaminants being present on site. The Councils Environmental Health and Consumer Protection (Contaminated Land) officers advise a conditional approach to deal with any potential land contamination

Heritage Impacts

121. The Grade I building of Escomb Church is located 850m to the north of the site. Bishop Auckland Conservation Area lies 1.5km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is located 3.9km to the north west of the site. The remains of the Stockton and Darlington Railway, a Scheduled Monument lies 1.55km to the east of the site. Given these separation distances and the limited inter visibility between the site and the nearest listed buildings and conservation areas due to topography and the presence of built development, the Council's Design and Conservation officers have advised that there would be no heritage related harm

associated with the development in this respect, particularly in relation to the setting of listed buildings.

122. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The Council's Archaeology Officer advises that the results of a geophysical survey has been submitted which has shown some anomalies which may be of archaeological origin are present, however these are not considered to be extensive. The results should however to be confirmed through a programme of trial trenching with the results submitted in support of the reserved matters and secured by condition. Subject to this further investigation any harm would be mitigated in this respect.

Other matters

123. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The agricultural land (9.71) is classified as Grade 3b, falling below the definition of best and most versatile which the NPPF seeks to protect and the weight afforded to this adverse impact is therefore reduced
124. Environmental Health and Consumer Protection Air Quality officers advise that the number of trips generated by the development would fall below the threshold for a standalone air quality impact assessment. Other developments in the area have considered their impacts in respect of impact of air quality and it is concluded that the cumulative impacts of the developments would be negligible. It is however, advised that dust management plan should be adopted during the construction phase in order to comply with Policy GD1 of the WVDLP and Part 11 of the NPPF.
125. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that on balance whilst a secondary vehicular access point would be desirable on the whole the development is considered sustainable. However, it is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. This would be achieved through the building regulations as opposed to a planning condition.
126. No response has been received from the NHS regarding potential capacity issues within the Bishop Auckland Area. It is however, noted that there are a number of GP surgeries that could serve the development whilst there is also a walk in centre.

Planning Obligations

127. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. In this respect the Council's Education officer highlights that a development of up to 150 dwellings would be expected to generate 45 primary and 18 secondary pupils. Although there is a degree of capacity within primary schools within Bishop Auckland that are accessible to the site via a 2 mile safe walking route,

when taking into account of other developments proposed within the area the capacity of primary schools would need to be increased to accommodate the additional demand. The Council has undertaken a feasibility study of 6 existing schools within 2 miles of the application site. This study involved an assessment whether relevant schools could be extended to accommodate additional demand generated by proposed developments in the area. The feasibility work concludes that the demand could be met through the extensions of a combination of Escomb Primary School, St Anne's Primary School and Woodhouse Primary School. The Education Authority would make the final decision on how and where the increased capacity would be provided. A contribution of £417,603 is required and would be secured by way of a planning obligation pursuant to of the Town and Country Planning Act 1990. This contribution would be in line with the Council's adopted policy on securing developer contributions in relation towards education provision. Sufficient secondary school places exist in the local area for future residents.

128. WVDLP Policy H15 in accordance with Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. It is indicated that the development would provide a total of 15 dwellings. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990.
129. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
130. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
131. In this instance the site layout indicates that around 3.2ha of undeveloped amenity open space, semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £198,900 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a planning obligation .
132. In addition to the above planning obligations, the applicant proposes financial contributions of £150,000 for Nursey School provision in the area and £100,000 for the continued maintenance and operation of Escomb Village Hall through a S106 agreement. The applicant considers that the proposed development is likely to provide family homes and therefore there will be an impact upon both the nursery, through increased number of children of nursery age, and the village hall due to the pressure on facilities from increased use. The monies would be used to maintain and, where appropriate, improve existing facilities to ensure that these important

local amenities can accommodate the increased usage as a result of the development.

133. Paragraph 204 of the NPPF advises that, planning obligations should only be sought where they are, amongst other things, necessary to make the development acceptable in planning terms, and directly related to the development. In this context, whilst it is clear that the financial contributions would have a benefit to the community both in terms of existing and prospective residents, the contributions would not be necessary to make the development otherwise acceptable, and accordingly, they can be only considered on a voluntary basis. The contributions cannot therefore be afforded weight as a benefit of the development, but can, nonetheless, be secured as a planning obligation.
134. The Council's Employability officer request that targeted recruitment and training clauses are included within a planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

Planning Balance

135. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

136. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
137. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.
138. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
139. The development would provide a range of house types including up to 15 affordable housing units which would meet an identified short fall within the County.

140. The scheme would provide for public realm including amenity and open space that would be accessible for local residents.
141. The development would improve pedestrian linkages from Etherley Moor to the Local Primary School, which has the potential to relieve existing parking and transport issues associated around peak times.

Adverse Impacts

142. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
143. The development would result in a residual impact on the wider highway network through the increase in traffic, however and mitigation secured would reduce this impact and a cumulative highway impact would not arise.
144. The development would result in the loss of around 9.71 ha of agricultural land, however as the submitted Agricultural Land Classification Report concludes that the site is Grade 3b agricultural land, it is not considered to be “best and most versatile”, and the weight afforded to this adverse impact is therefore reduced.

CONCLUSION

145. The development would conflict with WVDLP Policies H3, ENV1 and ENV3. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the Council’s housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
146. It is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. The development would also result in a residual impact on the wider highway network through increase traffic generation. However, due to the limited visibility in the wider landscape and mitigation secured to improve capacity in highway network, for the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council’s housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the WVDLP statutory presumption against development of this site.
147. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards education capacity, highway mitigation works, provision of affordable housing, are considered necessary

for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training and the nursery and village hall contributions are not considered to be necessary to make the development acceptable, and are offered on a voluntary basis and cannot be afforded weight.

148. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following planning obligations:

- 10% Affordable Housing units
- £370,520 for offsite highway mitigation works
- £417,603 education contribution
- £198,900 for offsite sporting and recreation provision

Voluntary contributions

- £150,000 nursery provision in the area
- £100,000 for the continued operation and maintenance of Escomb Village Hall
- Provision of a targeted recruitment and training/local labour scheme

and subject to the following conditions:

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

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

2. Application for approval of reserved matters of the development shall be made to the Local Planning Authority before the expiration of 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. In case of approval of reserved matters on different dates, development must be begun not later than the expiration of two years from the approval of the final reserved matters.

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

3. The development hereby approved shall comprise a maximum of 150 dwellings

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

4. Application for approval of reserved matters of the development shall be in accordance with the indicative Landscape Parameter Plan DWRG SK-901A and the indicative Connections Plan DWRG SK-902A.

Reason: To encourage sustainable transport and integration to surrounding area in accordance with Paragraph 61 of the NPPF and Policies GD1 and H24 of the Wear Valley District Local Plan.

5. Application for approval of reserved matters and any operations and or development shall be in strict accordance with the Mitigation detailed in Section H of the Ecological Impact Assessment.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy GDP1 of the Wear Valley District Local Plan.

6. The amount of open amenity/recreation and green space provided in the development shall at a minimum meet the targets of the Councils Open Space Needs Assessment 2010.

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policy RL5 of the Wear Valley District Local Plan and Policy 73 of the NPPF.

7. Prior to the occupation of the first dwelling hereby approved full engineering details of access and highway improvement works based on the principles set out in drawing number JN1233-Dwg-0023 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented prior to the construction of the 30th dwelling.

Reason: In the interests of highway safety in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.

8. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway and resurfacing of the existing pedestrian footway for 50m in an easterly direction from the bus stop on the south side B6282 Etherley Lane, shall be submitted to and approved in writing by the Local Planning Authority. The footpath and resurfacing work shall thereafter be constructed in accordance with the approved details prior to the occupation of the 30th dwelling hereby approved.

Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.

9. Prior to the occupation of the first dwelling hereby approved, a scheme for the resurfacing and the formation of pedestrian access points from the development to the Public Rights of Way (No.6 and No.9 Bishop Auckland) adjacent to the eastern and northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The resurfacing work shall thereafter be completed in accordance with the approved details prior to the occupation of the 50th dwelling hereby approved.

Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.

10. Prior to the occupation of the first dwelling hereby approved provision shall be made for new bus stop infrastructure on the B6282 Etherley Lane east bound in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be installed prior to the occupation of the 30th dwelling.

Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.

11. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details and timings.

Reason: In the interests of highway safety and accessibility in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.

12. No development or site clearance work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policies GD1 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GD1 Wear Valley District Local Plan and Parts 4 and 10 of the National Planning Policy Framework

15. Prior to the submission of any reserved matters application 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 should be based upon principles set out in the Flood Risk & Drainage Assessment, compiled by BDN ref R4590 and the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Thereafter the development shall be undertaken in accordance with the approved details

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

16. Notwithstanding the submitted information, prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be undertaken in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE23 of the Wear Valley District Local Plan and Part 7 of the NPPF.

17. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by LA Environmental consultants ref NLP/EM/001 dated November 2016 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the NPPF.

18. No external construction works, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework.

19. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

20. Prior to the submission of any reserved matters application a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
 - The undertaking of that scheme of further intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated ‘no-build zone’ for the recorded mine entry which may be required and a time frame implementation of those remedial works.

The scheme thereafter shall be implemented in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

21. Prior to the submission of any reserved matters application a scheme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii; Post-fieldwork methodologies for assessment and analyses.
 - iv; Report content and arrangements for dissemination, and publication proposals.
 - v; Archive preparation and deposition with recognised repositories.
 - vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

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

22. The development of any phase shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

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

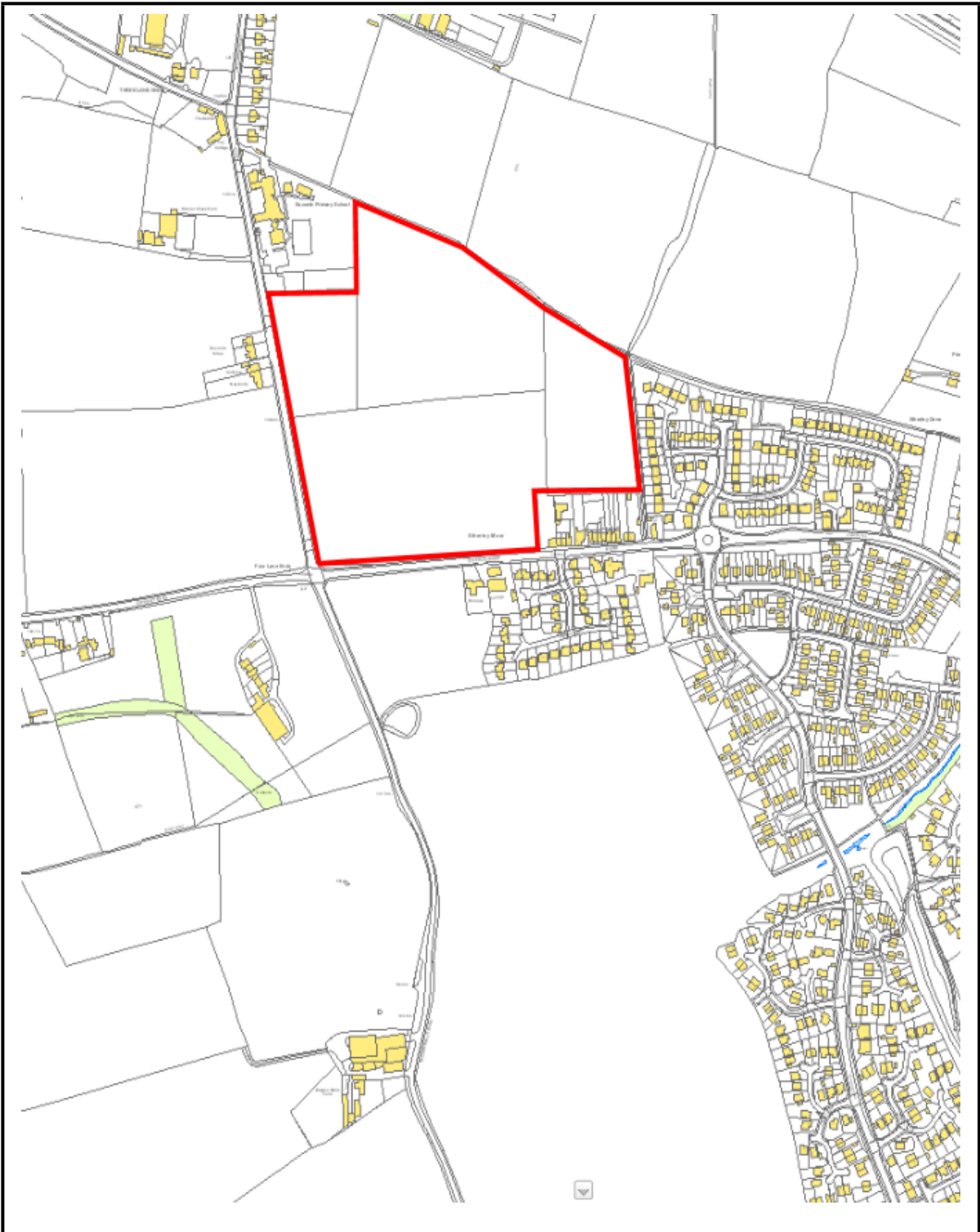
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.


STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley District Local Plan 2006
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Public Place Planning Document 2006
- Calculating developer contributions in relation to education.
- Statutory, internal and public consultation responses
- Planning applications DM/16/03249/FPA and DM/16/03395/OUT



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|  <p>Durham County Council Planning Services</p> | <p>DM/16/04062/OUT Residential development for up to 150 units with all matters reserved except access</p> | |
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| | <p>Date June 2017</p> | <p>Scale Not to scale</p> |