

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/03395/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for up to 320 residential units with all matters reserved except from access.
<b>NAME OF APPLICANT:</b>	LKA Developments
<b>ADDRESS:</b>	Land East Of Wigdan Walls Road, Woodhouses
<b>ELECTORAL DIVISION:</b>	West Auckland
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site consists of a rectangular 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 15.2 ha in area and comprises greenfield land in an agricultural use, consisting of arable. The most southern portion of the site is relatively level however the site falls sharply to the north to Coal Burn representing a maximum 29m level change.
2. To the east of the application site the existing residential development of Rockingham Drive is located, separated by a semi mature hedgerow. To the south the adopted highway Greenfields Road is located, separated by mature hedgerow and hedge line trees. The dwellings of 1-9 Woodhouses, including the Bay Horse Public House and Woodhouses Farm House are located to the south western corner of the application site. The highway Wigdan Walls Road forms the western boundary, separated by a mature hedgerow. The Coal Burn is located to the north, beyond which lies open countryside where the land steadily rises.
3. A public right of way (Footpath No.12 (Bishop Auckland)) is located adjacent to the east of the site however this has been unusable since the adjoining housing estate was built. The site is located 3km to the south east of Witton-le-Wear SSSI and 1040m from Escomb Pasture Local Wildlife Site. The Grade I building of Escomb Church is located 1.5km to the north of the site. Bishop Auckland Conservation Area lies 2.1km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.2km 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 4.5km to the north west of the site. The Grade I building of Escomb Church is located 1.5km to the north of the site. The remains of the Stockton and Darlington Railway, a Scheduled Monument lies 1.35km to the east of the site.

## The Proposal

4. Outline planning permission is sought for the erection of up to 320 dwellings and the means of access, with all other matters remaining reserved. 10% of the dwellings are proposed to be offered on an affordable basis. The access to the site would be located midway along the southern boundary on Woodhouses Lane in the form of a priority T junction. A new 1.8m wide pedestrian footway would extend from the site entrance towards Bedburn/Rockingham Drive.
5. An illustrative masterplan and landscape strategy sets out that the dwellings would be laid out in a series of cul-de-sacs served off a main distributor road. A SUDS and open amenity area would be provided to the north of the site whilst there would be a central corridor of open amenity space with areas of planting running in an east west direction through the site. A pedestrian access link would provide access onto Calder Close to the north east of the site.
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 200 dwellings.

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## **PLANNING HISTORY**

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7. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 600 dwellings.
8. 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 north of the application site (ref DM/16/03249/FPA) in February 2017.
9. An outline planning application for up to 150 dwellings further to the north of the site is currently under consideration (DM/16/04062/OUT).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. 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’.
11. 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.

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.

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)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

32. *Highways Authority* – advise that proposed highways improvement works including the formation of a new priority T junction, provision of visibility spays and formation of a new 1.8m wide footpath an appropriate access into the site would be achieved and the scheme would not adversely impact on 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 at the junction at Maude Terrace/Greenfields Road, Dilks Street/A688 roundabout and Watling Road/A688 roundabout the scheme would have an acceptable impact on the highway network. A contribution of £439,661 has been costed to deliver these improvements, secured by a S106 agreement.
33. *Drainage and Costal Protection* – Offer no objections to the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design and subsequent delivery of the scheme.
34. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition. 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 entries.

## 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, in line with the previous draft allocation within withdrawn County Durham Plan. Consideration will need to be given to the landscape impact while pedestrian and cycle movements and sustainable patterns of travel should be promoted. No objections in principle to the scheme are raised.
40. *Landscape Section* – Advise that the proposals would involve a relatively substantial incursion of built development into open countryside west of Bishop Auckland. There would be some harmful effects on the character of the local landscape as a consequence of the scale of development and the visual prominence of some areas. These could be mitigated in time to varying degrees by structure planting although there would be some residual effects. Should the proposals be considered acceptable in principle, some further consideration should be given in master-planning to the scale and distribution of structure planting as part of the reserved matters stage, but should the proposals be approved it would need to be demonstrated at reserved matters stage that the structure planting indicated in the landscape masterplan was sufficiently robust to achieve its objectives.
41. *School Places and Admissions Manager* – Advises that a development of 150 houses could generate an additional 96 primary pupils and 39 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 £892331 is sought to deliver the increased primary school capacity. In relation to secondary schools, the nearest school Bishop Barrington has no spare capacity, whilst a high proportion of the site could not access King James Academy, by a 2 mile safe walking distance. A contribution of £352,500 is sought to increase the capacity of this school to accommodate the development.

42. *Sustainability Section* – The site was previously assessed as being ‘suitable for housing’ in the 2016 SHLAA. The sustainability appraisal concluded that there were no significant adverse impacts, however it is noted that this edge of town application is at the periphery of a reasonable walking distance to facilities and services. Bus transport is also particularly poor. Connectivity is reasonably good with footpath links to east, however it is advised that the one way in one way out, is not conducive to promoting sustainable transport opportunities. Should approval be granted a condition is recommended to be attached to secure energy mitigation measures.
43. *Sustainable Travel* – Advise that the majority of the site (80% or thereabouts) lies within suitable walk distance to the nearest served bus stops. However the frequency of this service is 1 per hour, a frequency of 2 per hour is recommended. Consideration should be given to increasing the frequency of the service, along with the provision of additional bus stops on Rockingham Drive. 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.
44. *Archaeology* – Advise 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.
45. *Access & Rights of Way* – Identify that a designated public right of way (Footpath No.12 (Bishop Auckland) lies to the east of the site, however this has been unusable since the adjoining housing estate was built. It is recommended that a pedestrian/cycle access could be provided through Easby Close.
46. *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 and a financial contribution of £43,168 towards the provision of offsite habitat creation in the form of managed grasslands in the local area. Further scrutiny of these matters would be required in relation to the landscape treatment of these areas at the reserved matters stage.
47. *Environmental Health and Consumer Protection (Air Quality)* – Advise that no mitigation measures are required in relation to air quality following completion of the development. However it is advised that dust management plan should be adopted during the construction phase

48. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that a Phase 1 desk top study has been submitted in support of the application. Although these are generally considered sound. A conditional approach is recommended.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures within the submitted noise assessment reports. An odour assessment has been submitted which considers the impact of the existing farming operation in the vicinity of the site which concludes there would not have a significant impact. It is advised that the methodologies and conclusions of the report are sound. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
50. *Employability Officer* - Requests that targeted recruitment and training clauses are included within a planning obligation in the event of approval

#### **EXTERNAL CONSULTEE RESPONSES:**

51. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low. Design advice is offered which should be incorporated in any reserved matters application.

#### **PUBLIC RESPONSES:**

52. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 16 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.
- 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.
- The bus service which serves the site is limited, while more than 2 buses are required to access towns outside of Bishop Auckland.
- No bungalows have been provided.

##### *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.

##### *Residential Amenity*

- Loss of residential amenity caused by prolonged duration of construction works and that generated through the development.
- Loss of privacy/overlooking.
- 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.
- Vehicles regularly exceed the speed limit in the area.
- The development would put further pressure on the already congested Tindle Crescent.
- The increase in traffic would be incompatible with farm traffic adjacent to the site
- The development would force traffic through the adjacent housing estate of Rockingham Drive.
- A north south access road to the site to the north should be provided.
- Additional land should be provided for residents of Woodhouses for off street car parking.
- Lack of public transport.

### *Other*

- The development would result in the loss of wildlife habitat and green space which is valuable for wellbeing.
- No wildlife corridors have been provided.
- Loss in value of residential properties/ loss of view.
- The site is valuable agricultural land.
- The development would impact on farming operations, in terms of odours and interference from dog walkers.

53. *CPRE (Campaign to Protect Rural England)* objects to the proposed development 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. In line with case law it is considered Policies ENV1 and H3 in the WVLP are policies that are relevant to housing supply under Paragraph 49 of the NPPF and are out of date but it is not correct to say that they carry no weight.
54. *Durham Badger Group* highlight the presence of active badger setts in close proximity to the site boundary. The application site is likely to provide foraging ground and to be used as a regular seasonal food source.
55. *Durham Bird Club* identify that the site is not listed as being of major interest for bird enthusiasts. However, it is identified that there is a number of species of county interest because including the Green Woodpecker. Full consideration should be given to mitigation and, if appropriate, compensation. Ground nesting bird species would be displaced as a result of the proposed developments, consideration should be given to attracting other species in lieu of those likely to be lost to ensure that biodiversity is retained in line with the NPPF.

## APPLICANTS STATEMENT:

56. The development is considered to be in a sustainable location, situated as it is directly adjacent to residential development on the western edge of Bishop Auckland. As such, the site is considered to represent a logical extension to Bishop Auckland. Whilst officers are in agreement that the proposals comprise an acceptable form of development in their own right the site, along with land to the north of the Coal Burn that is subject to separate development proposals, forms part of a wider masterplan area that was a proposed strategic housing allocation under Policy H11 (Other Strategic Housing Sites) of the now withdrawn County Durham Plan (CDP). Indeed, it was subject of a detailed Supplementary Planning Document prepared by the Council to guide development on the site. While it is recognised that the draft allocation of the site within the withdrawn CDP can carry no material weight in the consideration of this application, the fact that the masterplan site was considered suitable for allocation in the first instance, including a comprehensive analysis of its suitability as part of the preparation of the SPD, demonstrates that the County Council considers it to be an entirely suitable and appropriate location for residential development.
57. The Government's National Planning Policy Framework (NPPF) identifies a clear growth agenda which is focussed on the need to 'boost significantly' housing supply. In addition, the Council is currently unable to demonstrate a 5 year housing land supply and, as such, it falls for the application to be determined against paragraph 14 of the NPPF which states that, in the absence of relevant up-to-date Development Plan policies, 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 Framework as a whole, or specific policies in the Framework indicate development should be restricted.
58. The applicant has engaged thoroughly with the Local Planning Authority, both through the pre-application process and since submission of the application, and the Council is satisfied that the proposal before them, first, does not create any adverse impacts that would outweigh the benefits of granting consent and, secondly, represents sustainable development in the context of the NPPF. Importantly, the application has demonstrated to the satisfaction of the Council that, subject to the mitigation measures agreed with the highways authority, there will be no adverse impact on highways, including no impact on the Woodhouse Lane/Cockton Hill junction. In addition, it has been agreed that any landscape or visual impact will not be significant and be short term only.
59. With specific regard to the benefits of the scheme, the proposal will deliver significant economic and other benefits to the residents of Bishop Auckland. In economic terms, the development will create approximately 480 full-time direct jobs (not including indirect jobs created) contribute £892,331 towards Primary Education and £352,500 towards secondary education across the whole catchment area. The proposed development will also generate approximately £6.4m in direct Capital Receipt to the Council from Council Tax and New Homes Bonus over the six years of the New Homes Bonus. In addition, the scheme will deliver further benefits that will be secured through the signature of a Section 106 Agreement. This will include the following:
- £424,320 for offsite sports and recreation provision;
  - £360,000 for offsite highway mitigation works;
  - 10% provision of affordable housing; and
  - Provision of targeted recruitment and training

60. It is the applicant's firm view that outline planning permission should be granted for this application in order that the Council can deliver this important site and, in doing so, support the wider regeneration of the County, and deliver the homes that are needed.

*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=OFJ17QGDJO200>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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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, the nature of the eastern boundary (rear gardens of residential properties and land outside the applicant’s control) limits the

amount of pedestrian connections that could be created. However, pedestrian connections would be provided at the southern access point and at the north eastern boundary. It is also indicated that connections would be provided across the Coal Burn to the north if that site was to be developed for housing. On balance, it is considered that the scheme would integrate itself reasonably well into the built environment of Woodhouses/Etherley Dene.

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; however, a distance of 2600m (taken centrally from the site) is evident to the town centre, 1700m to Tindale Crescent retail and employment sites, 1500m to the nearest secondary school and 1400m to the nearest primary school. The nearest GP is located 2500m away while Bishop Auckland Hospital is located 2200m 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 due to a 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 320 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of services provided even when taking into account other committed and proposed housing developments. It is also recognised that a greenfield extension to any settlement, particularly a larger settlement like Bishop Auckland, would inherently be located further way from a centre and would lie beyond the preferred distances set out above. The walking routes are also on adopted well-lit highways with no significant topographical restrictions. The Bay Horse Pub at Woodhouse would provide some limited serve and amenity function.
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 at the bottom of Rockingham/Bedburn Drive, a maximum of a 700m walk for future residents, although 80% of the site would be within an approximately 400m walk of these bus stops or the bus route, subject to securing existing bus stop facilities on the route down Rockingham Drive and a new pedestrian footway along Greenfields Road by condition. It is recognising that the bus service serving this area of Bishop Auckland 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. In addition to this a condition is recommended to ensure the site layout includes a bus turning/loop facility along with bus stop provision. This would allow the potential of rerouting the service into the shite should this be achievable at a future date. Overall 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 site lies in proximity of the high watershed between the Wear and Gaunless valleys on the north facing slope of the shallow valley of the Coal Burn, the southern part of the site rolls over the ridge to the south. The site is made up of a single large arable field that forms part of a wider tract of open arable farmland running along the ridge. The site is generally visible from the Coal Burn Valley near to the site in relatively shallow views from the west and south and deeper views from the north. Views include those from Wigdan Walls Road, a section of Etherley Road and Footpath Bishop Auckland No 10. It is visible at close quarters from housing to the immediate east and is visible from the rear of properties in Woodhouses at close quarters and in more distant, and relatively oblique shallow views, from properties in the south of Etherley Grange. The southern edge of the site is visible in shallow views from land south of Woodhouses including from Greenfields Road and Footpath No. 14 (Bishop Auckland). It is visible in shallow views at greater distances (2-5km) from higher ground to the north and east where it lies on the skyline, though forming a relatively small part of visually complex panoramic views.
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. It is considered that the effect on the character of the local landscape – the Coal Burn Valley within around 1.5km – would be of a medium-high magnitude towards the end of the development phase falling to a medium magnitude over time as structural landscaping developed.

87. In views from Wigdan Walls Road, and particularly in deeper views from the north where higher ground in the south of the site is notable, extensive areas of built form would be visible. This could be screened in views from immediately adjacent parts of the road by robust structural landscaping as shown on the indicative masterplan. This would take some time to develop – although if planted at the outset the time frame could be similar to the build-out period of a site as large as this. In deeper views from the northern part of Wigdan Walls Road, as well as from parts of Etherley Lane and footpaths in that area, perimeter structure planting would have a more limited effect as built form would be visible on rising ground, and particularly in the western part of the site. This could be mitigated by introducing internal structure planting running across the slope as indicated on the amended landscape master plan subject to further detail to ensure delivery of forest scale trees.
88. In more distant views across the Wear valley to the north the built development in the higher ground of the south of the site would be visible on the skyline. It would typically form a small part of visually complex panoramic views and would be unlikely to have a significant effect on the general character of the settled landscapes visible in those views. In more distant views from the south, built development on the southern edge of the site would be visible on the skyline. This would be associated with existing built form on the skyline and would be unlikely to have a significant effect on the general character of the settled landscapes visible in those views provided that it was assimilated by structure planting including trees of sufficient scale on the southern boundary.
89. The proposals would be visible in views from higher ground in the ALV to the north, as set out above built development in the higher ground of the south of the site would be visible on the skyline. This would have some effect in localised views introducing built form into an otherwise largely rural scene, but would generally from part of visually complex panoramic views across a settled landscape. It would be unlikely to have significant effects on the special qualities of the ALV provided that roof materials in that part of the site were visually recessive
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 policy 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 Section it is considered that overall the development would amount to adverse landscape harm conflicting with local plan policies GD1, ENV1, ENV3 and H3 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 recognised 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 have an appropriate relationship to the surrounding built environment providing a low density development with adequate buffers to Widgan Walls Road and Greenfields Road to retain a rural feel and provide a soft edge to the development. The indicated highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development. The area of SUDS and landscaping within the site has the potential to create an attractive public realm. Consideration will need to be given in any reserved matters application regarding the treatment of the level changes across the site in terms of terracing.
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 Greenfields Road in the form of a priority T junction. A new 1.8m wide footway is proposed to extend back to Bedburn/Rockingham Drive. 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 provision of the new footway. A separate condition is also recommended to secure the indicated pedestrian access onto Calder Close and future connections to the north if that site is developed.
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 impact of development traffic flows. The mitigation is in the form of junction widening and layout changes with traffic signal reconfigurations. Further mitigation is proposed to Dilks Street/A688 roundabout and Watling Road/A688 roundabout including lane widening.
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. Likewise the mitigation proposed to Dilks Street/A688 roundabout and Watling Road/A688 roundabout would ensure that these junctions continue to operate acceptably.
102. Due to the mitigation proposed above it is advised that severe cumulative impact on the transport network would not likely arise. To mitigate the developments impact a figure of £439,661 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 imposed.
103. Subject to the above mitigation, the development would acceptably mitigate its own impact on the highway network, however the Highway Authority have also considered the impacts alongside other planning applications and committed developments in the area. Without pre-empting the outcome 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 deliver improvement schemes where it considers they are required.

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.
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 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. Ecology officers consider that the methodology and conclusions of the report sound and also advise that there would not be any significant loss of foraging ground for badgers that would impact on the conservation status of the species. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating a dark corridor for bats along the Coal Burn, and a financial contribution of £43,168 towards the provision of offsite habitat creation in the form of managed grasslands in the local area. This would be secured by way of a planning obligation
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 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 public house on Wigdan Walls 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.
113. An Odour Assessment has been submitted which considers potential odour sources in the proximity of the site, including Wigdan Walls Farm. The Assessment concludes that while there would be certain times odour may be detectable this would not result in a significant impact. Environmental Health and Consumer Protection Officers have reviewed the submitted assessment, and advise that the methodologies of the report, assumptions and its conclusions are sound and that odour levels would not be significant at residential properties. It is therefore considered that there would be no further constraints placed on existing businesses under the Environmental Health and Consumer Protection Act (statutory nuisance) and any potential impact on residential amenity of future residents would be minimal and is not considered to warrant refusal of the application on this basis.
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 a detention basin 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 Coastal Protection officers offer no objections to the development or the overall 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. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that further monitoring and assessment is required, particularly in relation to gas monitoring, it is recommended that this is agreed by condition.

#### Heritage Impacts

121. The Grade I building of Escomb Church is located 1.5km to the north of the site. Bishop Auckland Conservation Area lies 2.1km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.2km 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 4.5km to the north west of the site. The Grade I building of Escomb Church is located 1.5km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.35km to the east of the site. Given these separation distances and the limited inter visibility between the site and the nearest listed buildings it is considered that there would be no heritage related harm associated with the development in this respect, particularly in relation to 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

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 (15.2ha) 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

123. The applicant has submitted an Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. Environmental Health and Consumer Protection officers advise that no mitigation measures are required in relation to air quality following completion of the development. It is also identified that 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. However, it is 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.
124. 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.
125. 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

126. 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 320 dwellings would be expected to generate 96 primary and 39 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 £892,331 is required to mitigate the developments impact in this respect, secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990.

127. In relation to secondary school places, the Council's Education officer advises that there will be no space places at Bishop Barrington School as of 2020/21. Although a proportion of the site could access King James I Academy within a 2 mile safe walking route, approximately two thirds of the site could not. A contribution of £352,500 is required to enable the Council to increase the capacity of Bishop Barrington School to accommodate pupils generated from the development. These contributions would be in line with the Council's adopted policy on securing developer contributions in relation towards education provision and are required to mitigate the developments impacts.
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 32 dwellings. The applicant has agreed to this requirement, with the delivery and tenure to be secured by way of 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 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 3.5ha of 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 £424,320 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is required to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a planning obligation
132. The Council's Employability officer requests 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

133. 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*

134. 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.
135. 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.
136. 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.
137. The development would provide a range of house types including up to 32 affordable housing units which would meet an identified short fall within the County.
138. The scheme would provide for public realm including amenity and open space that would be accessible for local residents.

### *Adverse Impacts*

139. The development would result in residual landscape harm from developing a greenfield site and extending the built development into the countryside. Planting proposed as mitigation, together with the sites limited visibility in the wider landscape, would help reduce the visual impact of the scheme as a whole.
140. The development would result in a residual impact on the wider highway network through the increase in traffic, however, financial contributions to provide highway improvements as mitigation would reduce this impact and a severe cumulative highway impact would not arise.
141. The development would result in the loss of around 15.2 ha of agricultural land, however as 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.

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## **CONCLUSION**

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142. 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.

143. It is identified that the development would result in residual landscape harm from developing a greenfield site and the resultant incursion into open countryside, and there would be some residual impact on the wider highway network through increase traffic. However, due to the sites limited visibility in the wider landscape and mitigation secured to improve capacity in the 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 position. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with relevant WVDLP policies.
144. 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 is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight.
145. 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.

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## **RECOMMENDATION**

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

- 10% Affordable Housing units
- £439,661 for offsite highway mitigation works
- £892,331 Primary school education contribution
- £352,500 Secondary school education contribution
- £424,320 For offsite sporting and recreation provision
- £47,000 For offsite ecological mitigation works
- Provision of a targeted recruitment and training/local labour scheme
- Securing pedestrian links over Coal burn

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 for the relevant phase 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 for the first phase 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 for that phase. In case of approval of reserved matters for subsequent individual phases on different dates, development of each phase must be begun not later than the expiration of two years from the approval of the reserved matters for that phase. All reserved matters shall be submitted within a period of 10 years from the date of this permission.

*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 320 dwellings

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

4. Prior to the commencement of development (excluding, archaeological investigation, services diversions, any land remediation/ground improvement or highway improvement works) a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase or part thereof submitted pursuant to Condition 2 above shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase or part thereof as defined on the phasing plan approved pursuant to this condition.

*Reason: To define the consent and ensure a satisfactory form of development is obtained.*

5. Application for approval of reserved matters for the relevant phase of development shall be in accordance with the Landscape Strategy, Option 3b.

*Reason: In the interests of visual amenity in accordance Part 11 of the NPPF and Policy GD1 of the Wear Valley District Local Plan.*

6. Application for approval of reserved matters shall make provision for a bus turn facility/loop within the site and appropriate bus stop infrastructure together with details of the timing of the subsequent implementation of the agreed details.

*Reason: To promote sustainable travel in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

7. Application for approval of reserved matters for the relevant phase of development and any operations shall be in strict accordance with the Mitigation detailed in Section H of the Ecological Impact Assessment undertaken by E3 ecology, dated October 2016.

*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.*

8. The amount of open amenity/recreation and green space provided in the development shall at a minimum equate to 0.768ha of open amenity space, 0.384ha of outdoor play space and 0.768ha of semi natural Green Space typologies as set out in the Council 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.*

9. 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 C0004 rev B shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully constructed prior to the construction of the 30<sup>th</sup> 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.*

10. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway from site entrance along Greenfields Road to Bedburn Drive, shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall thereafter be constructed in accordance with the approved details prior to the occupation of the 30<sup>th</sup> 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.*

11. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway connecting the development site to Calder Close shall be submitted to and approved in writing to the Local Planning Authority. The footpath thereafter be constructed in accordance with the approved details prior to the occupation of the 30<sup>th</sup> 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.*

12. Prior to the occupation of the first dwelling hereby approved, provision shall be made for new bus stop infrastructure on the Rockingham Drive in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be installed prior to the occupation of the 30<sup>th</sup> 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.*

13. Prior to the occupation of the first dwelling of the relevant phase, 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 for that phase 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.*

14. 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.*

15. Prior to the occupation of the first dwelling of the relevant phase 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*

16. Within a period of six months of the first occupation of the first dwelling of the relevant phase, 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*

17. No development of the relevant phase approved by this permission (excluding, archaeological investigation, services diversions, any land remediation/ground improvement or highway improvement works) shall commence until a detailed scheme for the disposal of foul and surface water for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

The submitted scheme should be based upon 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.

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

18. 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.*

19. Prior to the erection of the first dwelling of the relevant phase a detailed acoustic mitigation scheme for that phase, based on the noise impact assessment report compiled by Wardell Armstrong ref 002 dated October 2016 as amended February 2017, 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.*

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

21. Prior to the commencement of any part of the development or any works of demolition, 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 JPart 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.*

22. 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.*

23. 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.*

24. 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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

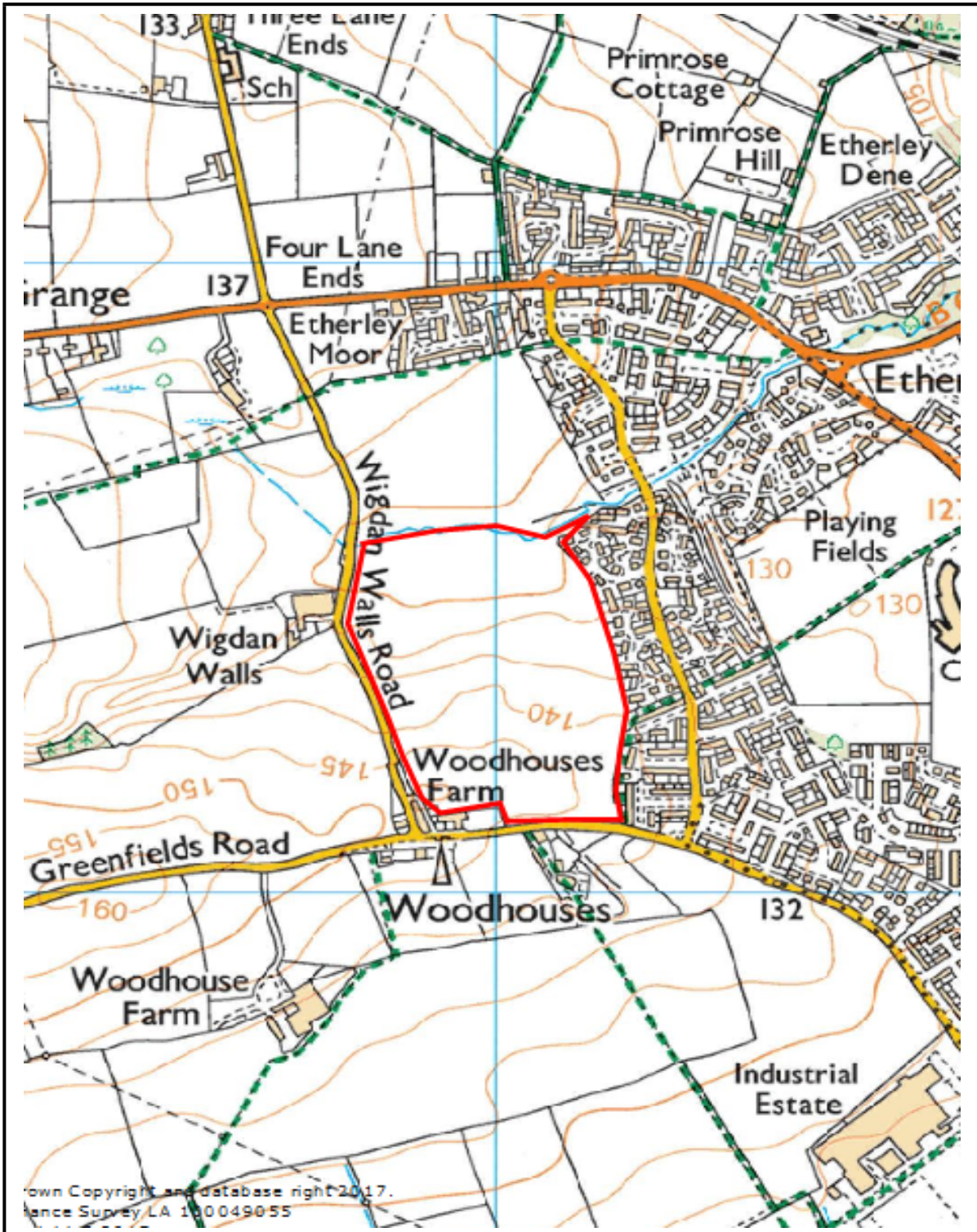
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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (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/16/04062/OUT





**Planning Services**

DM/16/03395/OUT  
 Outline application for up to 320 residential units with all matters reserved except from access.

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**Comments**

**Date** June 2017

**Scale** Not to scale