

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/17/01765/FPA |
| FULL APPLICATION DESCRIPTION: | Resubmission of DM/16/03249/FPA, hybrid application, full planning permission for the erection of 123 dwellings and outline planning permission (landscaping reserved) for up to 111 dwellings |
| NAME OF APPLICANT: | Avant Homes |
| ADDRESS: | Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses DL14 0ST |
| ELECTORAL DIVISION: | West Auckland |
| CASE OFFICER: | Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land located to the edge of the existing residential development of Etherley Dene to the west of Bishop Auckland. The site extends to approximately 10.67ha in area and comprises greenfield land in an agricultural use, consisting of arable fields. Pockets of semi-mature trees and vegetation are present centrally to the site, to the southern boundary and along the Western Boundary. An approximate 18m level change is evident across the site falling in a southerly direction.
2. A public right of way (Footpath No.10 (Bishop Auckland) crosses the northern portion of the site, linking the existing residential development of Etherley Dene to the open countryside. The site is served by an existing field vehicular access on Wigden Walls Road, which also forms the western boundary to the north of the site the highway Etherley Lane is located. The Coal Burn is located to the south, which beyond lies open countryside where the land steadily rises. The existing residential development of Etherley Dene is located to the Eastern boundary of the site.
3. The site is located 2.8km to the south east of Witton-le-Wear SSSI and 740m from Escombe Pasture Local Wildlife Site. The Grade I listed building of Escombe Church is located 1.2km to the north of the site. Bishop Auckland Conservation Area lies 1.8km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is located 4.2km to the north

west of the site. The Grade I building of Escomb Church is located 1.2km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site.

The Proposal

4. This application is a resubmission of a previously refused hybrid application which sought approval for the erection of 234 houses. The applicant has attempted to address the previous reason for refusal by bringing forward mitigation for the Watling Road/Cockton Hill junction. A Landscape Visual Impact Assessment has also been submitted, while the outline element of the scheme has been detailed up, with the only matter remaining reserved is the landscaping of the site.
5. The development is intended to be developed in two phases, the first phase would provide for 123 dwellings, a new access into the site, open space and a SUDS drainage scheme all for which a detailed planning permission is sought.
6. The dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road which would provide access into phase two. The layout has been designed to provide an active frontage onto Etherley Moor Road, to the public right of way which crosses the site and a proposed amenity area to the south. Corner turning units are proposed to be utilised in key locations thought the site. The dwellings would be constructed from brick with rendered panels and pitched roofs predominately 2 storey in nature. There would be a mix of detached (70), semi-detached (46) and terraced (6) properties, 11 of which would be offered on an affordable basis.
7. The route of the public right of way would be upgraded and landscaped during the first phase of development. A 540sqm informal play area is proposed to be installed next to the western boundary adjacent the route of the public right of way. To the southern portion of the site a 1.6ha amenity area is also proposed, this would take the form of an accessible landscaped area with pedestrian and cycle link onto Rockingham Drive. Part of this area of the site would also serve as a detention basin for surface water in extreme flood events. An area of 600sqm of equipped children's play space is also proposed within the landscaped area.
8. The second phase of the development proposes 111 dwellings in outline with only the landscaping of the site reserved for future consideration. This element of the application has been amended since submission to allow further discussion with the Coal Authority requiring the design of the foundations of three dwellings in this location due to the proximity of a capped coal shaft. A detailed master plan sets out that the dwellings would be laid out in a series of cul-de-sacs with a small area of open space and play provided towards the eastern boundary of the site along with a north-south pedestrian links. There would be active frontages overlooking these links, the public right of way to the north and the SUDS amenity area to the south. Access to this phase would be taken off two vehicular links from the first phase. The mix of the dwelling would consist of 61 detached, 38 semidetached, 13 of the dwellings would be offered on an affordable basis.
9. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 100 dwellings.

PLANNING HISTORY

10. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 600 dwellings.
11. A hybrid planning application (DM/16/03249/FPA) on the site for a total of 237 dwellings was refused in February 2017 for the following reason:- *The Local Planning Authority considers that the adverse impacts of the development in terms of its landscape harm and impact on the capacity of the highway network would, in the context of Paragraph 14 of the National Planning Policy Framework, significantly and demonstrably outweigh the benefits and would conflict with Policies GD1, ENV1, and H3 and T1 of the Wear Valley District Local Plan.*
12. An outline application for up to 320 residential units with all matters reserved except from access on a parcel of land directly to the south of the application site was refused in June (DM/16/03395/OUT) relating to landscape impact, connectivity and sustainability of the site and potential impact on adjacent agricultural operations.
13. An outline application for up to 150 residential units with all matters reserved on a parcel of land directly to the north of the application site was approved in June 2017 (DM/16/04062/OUT).

PLANNING POLICY

NATIONAL POLICY

14. 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’.
15. 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.
16. *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.
17. *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.

18. *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.
19. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. 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.
20. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities and public rights of way; 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 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.
24. *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.
25. *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.
26. *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
27. *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.
28. *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.
29. *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

30. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a

successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highway Authority* - It is advised that proposed highway improvement works including the formation of a ghost island, pedestrian crossing refuge, widening of the highway and formation of a bus stop layby would represent an appropriate access into the site and would not adversely impact on highway safety. The scheme would comply with established parking standards. The level of traffic generated from the site, in combination with that from other proposed developments in the area, has been modelled and highway improvement works to alleviate pressures including at the junctions of at Maude Terrace/Greenfields Road, Dilkes Street Roundabout, Watling Road/A688 roundabout and Woodhouse Lane/Cockton Hill junction are proposed. It is however advised that residual impacts particularly at Woodhouse Lane/Cockton Hill junction would result in increased queues and delays despite the mitigation. However, mitigation at other junctions would encourage alternative routing of traffic and therefore cumulatively it is advised that this would not result in a severe cumulative on the transport network. A contribution of £496,012 has been costed to deliver these wider capacity improvements which would need to be secured by a S106 agreement.
32. *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, incorporation of SUDS features (such as permeable drives and filter strips) and the subsequent delivery of final scheme.
33. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition, whilst advising that the existing infrastructure could accommodate additional flows.
34. *Coal Authority* – Advise that the preliminary strategy to deal with to historic coal mining legacy is acceptable, however a condition to secure further site investigations to inform detailed mitigation measures is recommended. It is highlighted that there is a coal shaft is located in proximity of the north western boundary of the site may require a standoff if adequate foundation details cannot be produced.

INTERNAL CONSULTEE RESPONSES:

35. *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.

36. 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.
37. 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.
38. The site itself is considered to be well related to Bishop Auckland and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters and other specialist issues can be addressed in terms of promoting pedestrian and cycle movements and sustainable patterns of travel. No objections in principle to the scheme are raised.
39. *Landscape* – Following appraisal of the submitted information, including a review of the Landscape Visual Impact Assessment, it is advised that the proposals would involve an incursion of built development into open countryside west of Bishop Auckland and there would be some localised harm to the character of the landscape. However the visual impact of the development would be largely mitigated in time by the structural landscaping proposed to the western edge of the site and planting along the Coal Burn in the south.
40. *Landscape (Arboriculture)* – Highlight the presence of a number of trees and mature hedgerows. It is recommended that these should be retained and accommodated within the development and a comprehensive tree protection plan developed for approval. Concerns are raised regarding the potential conflict of bunding associated with the SUDS and a group of trees adjacent Coal Burn.
41. *School Places and Admissions Manager* – Advises that a development of 234 houses could generate an additional 70 primary pupils and 28 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 £696,768 is sought to deliver the increased capacity. This figure takes into account a recent review and subsequent increase of primary school contributions towards education provision.
42. *Sustainability* – Offers no objections, while highlighting that a second vehicular access would promote sustainable transport opportunities. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
43. *Archaeology* – Advise following onsite trial trenching, informed by a Geophysical Survey of the site that there are no archaeological interests that would be affected by the development. No further mitigation is required.

44. *Housing Delivery* – Previously advised that the proposed 10% affordable housing would comply with policy requirements and help meet an identified need.
45. *Access & Rights of Way* – Previously identified that a public right of way crosses the site (Footpath No.10 Bishop Auckland), the maintenance of this footpath and the proposed resurfacing work is welcomed.
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. The risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible, a conditional approach to surveying trees prior to any removal is recommended. 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.
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 and phase 2 site investigation has been submitted in support of the application. Although these are generally considered sound further work is required to address gaps in monitoring, including from gas risk 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. The methodology and conclusions from the odour assessment are considered sound any odour is unlikely to lead to a significant effect. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
50. *Design and Conservation* – Officers advise that there are no heritage related issues associated with the development, due to the limited inter visibility between to nearest listed buildings and conservation areas. Design advice on the scheme is offered.
51. *Sustainable Transport* – Advise that modifications to the submitted travel plan are required, to be agreed by condition.

PUBLIC RESPONSES:

52. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 34 representations have been received.

Objection

53. 32 letters of objection have been received in relation to the development as summarised below:

Principle/Sustainability

- Brownfield sites should be developed first, whilst there is an oversupply of housing in the area.
- The lack of school places in the area is highlighted along with the view that an additional school should be built to accommodate demands.
- Lack of capacity of local doctors.
- The local shops and amenities could not accommodate additional demand.
- There are more sustainable locations and the site does not benefit from good public transport links.
- There is not a demand for new housing and growth rates in Durham are low.
- There are lots of the smaller surrounding villages that are in need of some re-generation.
- There is not sufficient employment for residents.
- Existing housing developments have not sold all their properties.
- Bungalows should be included in the layout.
- Potential isolation of phase 1 if this phase 2 does not get implemented.

Landscape/Design

- The site is located outside of the settlement boundaries of the village and its development would lead to a significant visual impact.
- The density of the development is too great with limited open space.
- Greenfield/green belt sites should be protected.
- Coalescence with Escomb village resulting in the loss of rural countryside and impact on a Historic Village.
- Crime prevention views are important in influencing the layout of any new build.
- The development would result in unnecessary loss of countryside and irreversible damage.

Residential Amenity

- Loss of residential amenity caused by prolonged duration of construction works, including construction related traffic.
- A buffer should be provided to residents to the east to prevent views from the development.
- Privacy concerns are raised regarding the location of the footpath to the south of Croftside.
- Air quality impacts from additional vehicles.
- Loss of outlook over adjacent countryside
- Inappropriate relationship between proposed and existing properties due to level changes on site.

Highways

- The potential increase in traffic generated by the development would have implications on farming operations in the area.
- 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 potential impact on well used public rights of way is highlighted.
- The Transport Assessment has not considered the impact of all junctions.
- The crossroads adjacent to the site regularly experience accidents, contrary to the conclusions of the TA.
- Vehicles regularly exceed the speed limit in the area.
- Footpaths in the area are inadequate while there is not crossing facilities for children to access Escomb School.

- A north south link road should be provided linking to the development site to the development to the south along with a roundabout at Escomb crossroads.
- There is a riding school within close proximity to the development these and other road users are incompatible with increased road traffic.
- Extra traffic could affect blue light emergency vehicles ability to respond to emergencies.
- There are already significant traffic pressures at the local school during peak times.
- The development would put further pressure on the already congested Tindle Crescent.

Other

- The development would result in the loss of wildlife habitat and green space.
- Concern on the bat and barn owl population of the area while there is potential for newts to be present.
- Drainage ditches are present along site boundaries which should be maintained, concerns are raised relating to increase flood risk.
- A crime prevention report has not been submitted.
- Lack of bungalows and older persons housing.
- Concerns are raised regarding increased flooding in the area as natural drainage will be destroyed.
- Loss in value of residential properties.
- Lack of playgrounds / outdoor areas for children.
- The site is valuable agricultural land.
- Capacity of the sewerage system.
- Impact of future residents on emergency services.
- The impact of the future expansion of farming enterprises by introducing sensitive receptors in close proximity.

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

Support

55. One letter of support has been received outlining support for the building of additional homes in the area, particularly the affordable homes.

APPLICANTS STATEMENT:

56. Avant Homes have worked closely with the Council's Officers and local Members to address concerns previously raised by this planning committee. The delivery of this application if approved is not in doubt. The proposals are supported by a national housebuilder fully committed to providing new homes in Bishop Auckland. Avant Homes have a nationwide reputation for innovative design and delivered over 1,600 homes across the UK last year.
57. Bishop Auckland is one of the largest and most sustainable towns in the County with a range of schools, shops and local facilities which require the town to grow in future years in order to retain their vitality. The site to the north of Avant's is in the process of

securing planning permission for up to 150 homes and the proposals before you today provide a logical means of rounding off development to this edge of the town. This edge of Bishop Auckland has long been identified by the Council as the most suitable part of the town to accommodate future growth and this site in particular has always been the focal point of this strategy.

58. The proposals would deliver 234 new homes, providing Bishop Auckland with much needed family homes whilst ensuring that the character of the local area is protected and enhanced through the inclusion of large landscaped areas and new planting. New homes will increase local spending and ensure that the town's services and facilities are supported. The development would introduce larger family homes into the town – providing for a more diverse housing choice in the local area and affording people the opportunity to purchase a high quality new home without needing to move outside of Bishop Auckland.
59. The site access has been designed to complement the development to the north which was minded to grant by this committee, ensuring safe access for vehicles and improving pedestrian routes to local bus stops and facilities such as Escomb Primary School. The impact of the development on the local highway network has been thoroughly assessed alongside Officers at the Council. The scheme of mitigation being proposed at these junctions, which has been agreed with your highways officers, ensures that the impact of the development is not severe and is considered acceptable to Officers.
60. The proposals provide a well-defined green edge to the west of Bishop Auckland, which incorporates sustainable drainage features to reduce the risk of flooding in the local area. This landscape envelope also provides habitat improvements and ensures that Coal Burn and the tree belt running alongside it are protected.
61. The development will provide 10% Affordable Housing and financial contributions to improve local schools and highways junctions. The application has no objections from statutory consultees or Council Officers and represents a logical and proportionate sized development for Bishop Auckland.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

62. 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

63. 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.
64. 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

65. 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.
66. 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.
67. 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.
68. 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 sites 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

69. 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.
70. 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)
71. 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.
72. 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.
73. 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

74. 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.
75. 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.

76. WVDLP Policy H3 is accompanied by WVDLP Policy ENV1 which 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
77. 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.
78. 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

79. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of Etherley Dene and the wider development of Bishop Auckland by reinforcing pedestrian connections along the eastern boundary and to the north to the nearest Primary School. Footpath improvements and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
80. 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 Etherley Dene representing a greenfield extension, however a distance of 2300m is evident to the town centre, 2000m to Tindale Crescent retail and employment sites. A distance of 1300m is evident to the nearest secondary school and 650m to the nearest primary school. The nearest GP is located 2300m away while Bishop Auckland Hospital is located 2000m away.
81. 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 identified as a main town in the Council's Settlement Study 2012 due to its array of services and 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 234 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of

services provided. The walking routes into Bishop Auckland are also on adopted well-lit highways with no significant topographical restrictions.

82. In terms of cycle access, the site does perform better, with services in the town centre within a 5 minute cycle ride. Bus stops are located on the east and westbound Etherley Moor Road a maximum of 350m walk for future residents. This would give access to the town centre and connections beyond. A range of transport options would therefore be available for future residents.
83. 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 GDP1 and H24 of the WVDLP which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

Landscape and Visual Impact

84. WVDLP Policy GDP1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments would not have a detrimental impact on the landscape quality of the surrounding area. This policy is considered compliant with the NPPF in recognising the intrinsic character and beauty of the countryside and seeking to protect valued landscapes. Full weight can therefore be given to this policy in the decision making process in this respect. As highlighted above 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 compliant 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 is considered dual purpose, although relating to housing supply and as above considered out of date in this respect, it seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area can accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, in this respect moderate weight can be afforded to the policy.
85. The application site lies on the high land between the Wear and Gaunless valleys on sloping ground falling south from the ridge to the shallow valley of the Coal Burn. The site is made up of open farmland in two fields, a smaller pasture in the north and larger arable field in the south. The two fields are divided by an old hedgerow which follows an historic township boundary, and also the route of the public right of way. The site is bounded to the west by an old hedgerow following an historic township boundary along Wigdan Walls Road, and to the north by a 19th Century hedgerow following Etherley Lane. Beyond the site to the north and west lies open pastoral farmland. It is bounded to the south by the tree lined watercourse of the Coal Burn over which rises open arable farmland of a similar character. It is bounded to the east by an existing housing development.
86. The site does not lie in an area covered by any national or local landscape designations; however land further north of Etherley Lane lies in an area identified in the WVDLP as an Area of High Landscape Value (AHLV). Landscape officers identify that the site is generally visible from the Coal Burn Valley within around 1 mile of the site and in relatively shallow views from the north and west and slightly deeper views from the south, the latter in close visual association with the existing settlement edge. It is advised that the site is visible in shallow views at greater distances (2-5km) from higher ground to the north and east where it forms a small

part of visually complex panoramic views, including the built form of Bishop Auckland.

87. The applicant has submitted a Landscape Visual Impact Assessment in support of the revised application following the refusal of the previous application. The assessment concludes that the mitigation proposed would not result in significant landscape harm.
88. Landscape officers have assessed the submitted document and consider, as they did with the refused application that the effect of the development on the character of the site itself would be transformative and adverse, but this is always the case for development of this nature on green field sites. In respect of the impact on the local landscape character (the Coal Burn Valley within around 1.5km) it is advised that this impact would be of a medium magnitude taken in the round. In deeper views such as those from the higher parts of Wigdan Walls Road the existing settlement edge is prominent and while the further encroachment of built form would be noticeable the general character of the view would remain similar. Built form would remain relatively prominent in some of these views, above and through vegetation along the Coal Burn. However, it is advised that reinforcing the existing tree line would help mitigate this. In shallow views from the north and west the development would bring the settlement edge closer to the viewer however it is advised that the built form could be readily assimilated in these shallow views by structure planting in the medium term with trees of an appropriate scale. In views from Etherley Lane passing the site the effects of development would be to extend the urban character of the settlement into open countryside. The frontage would have an urban character with the road widening measures and site entrance being notable features. Buildings would be visible from the road, though set back behind a hedge, giving an appropriately transitional 'edge of settlement' character. The effect on the character of the landscape here would be higher but localised. It is advised that the impact on the wider landscape quality of the AHLV would be minimal.
89. WVDLP Policies GD1, ENV1 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development. As a result of the development an extension beyond the established settlement edge would occur, contrary to local plan policies. However, in line with recommendations on the refused application this visual impact is relatively localised while views of the site would largely be set against the backdrop of existing housing development. The proposed Landscaping Strategy subject to a detailed design and minor modifications would help mitigate this impact. On the advice of Landscape officers it is considered that overall the development would still amount to landscape harm and therefore this impact needs to be considered within the wider planning balance.

Layout and Design

90. 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.

91. Furthermore NPPF Paragraph 58 sets out that decisions 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.
92. It is recognised that a proportion of the application is in outline form, however in this revised application only the landscaping of this element remains a reserved matter and therefore the layout of the site can be fully considered.
93. In considering the resubmitted scheme against the above policy criteria, recognising the opportunities and constraints of the site, on the advice of the Design and Conservation officers it is considered that overall the development would relate well to the surrounding built environment providing a low density attractive active frontage onto the northern boundary of the site and the highway of Etherley Lane. Moving through the development active frontages and corner turner units have been utilised to maintain an attractive street scene. The proposed house types are considered appropriate to the area, which does not exhibit a strong local vernacular, and are considered high quality in terms of design. The highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development, particularly using the PROW, the SUDS are and the north south links across the site. Active frontages around these elements promotes natural surveillance and would promote their use.
94. The route of Footpath No 10 (Bishop Auckland) is maintained and enhanced providing a resurfaced path set amongst a landscaped buffer to retain a rural feel, although recognising that it would change its current character. However, direct and improved connectivity for future to existing residential areas and established footpath links. Access and Rights of Way officers have previously advised that proposed upgrading of the surfacing of this route is welcomed and advise that this should continue back to the adopted highway. A condition to secure this is recommended. To the southern portion of the site a large amenity area including a SUDS's retention basin, formal and informal play area and connectivity onto Rockingham Drive via an adopted highway are proposed. This area would represent a positive piece of green infrastructure and public realm which could be utilised by existing residents (to be secured by condition). Footpath links would also be provided to the land to the south, should planning permission be granted for that site on appeal. Minor design modifications are required to the hard and soft landscaping strategy to improve the appearance of the layout, including the introduction of shared surfaces and the provision of planting down the main distributor road. It is considered appropriate to agree these finer details by condition.
95. 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.
96. Overall, it is considered that the scheme would deliver a high quality and visually attractive development that would contribute to the quality of the surrounding area. It

is also considered that the scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself with the existing settlement, in accordance with WVDLP Policies GP1 and H24 Paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

97. 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.
98. The development would be served by a single vehicular access taken off the adopted highway Etherley Lane leading to a series of cul-de-sacs and private shared drives. An existing field access would serve as an emergency access to the site. In order to facilitate the new access the existing highway would be re aligned slightly to provide a protected right turn, a pedestrian refuge island and new 1.8m wide footways. The existing bus stop would be reconfigured, providing a lay by and new pedestrian footway. In line with the refused application the Highway Authority advise that these improvement 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 secure the implementation of these works before the occupation of the 30th dwelling to ensure connectivity. Internal to the site, it is advised that the highway layout is acceptable and could accommodate relevant service vehicles and that sufficient in-curtilage parking to meet parking standards is provided.
99. 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. This was a matter of concerns for members, and the highway impact was included in the reason for refusal in the previous application. As required by Paragraph 32 of the NPPF the application is supported by a revised 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, Dilks Street/A688 roundabout and Watling Road/A688 roundabout up to operational capacity. The mitigation is in the form of road widening along and layout changes with traffic light reconfigurations at Maude Terrace/Greenfields Road. Further to this, mitigation has now been identified as being deliverable at the Woodhouse Lane/Cockton Hill junction through lane widening and re phasing of the traffic lights. This was not proposed in the previous application.
100. 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, Dilks Street/A688 roundabout and Watling Road/A688 roundabout would result in the junctions operating satisfactorily with the added flows of the development. However, as set out in the submitted transport assessment, whilst improvements would be made to the Woodhouse Lane/Cockton Hill junction to

increase existing capacity, once the development is fully occupied there would be a residual impact in that queue and delays could increase. However, the Highways Authority advise that this would likely result in drivers seeking alternative routes or spreading travel times outside the peak hours. The proposed mitigation detailed above would help mitigate some of the alternative routing traffic.

101. Due to the mitigation proposed and the likely rerouting of traffic it is advised that severe cumulative impact on the transport network would not arise. To mitigate the developments impact a figure of £496,012 has been costed to deliver these off site highway improvements which would be secured by a planning obligation under S106 of The Town and County Planning Act 1990 (as amended) for the Highways Authority to deliver. It is also recommended that a condition to secure the implementation of an appropriate travel plan for the site, to encourage alternative forms of transport is recommended to be secured by condition.
102. Subject to delivering the mitigation detailed above the development would acceptably mitigate its own impact on the highway network, the Highway Authority have however also considered the impacts alongside other planning applications and committed developments in the area. Without pre-empting the outcome of other applications, it is advised that if all proposed and committed developments are built, a wider scheme of highways capacity improvement would be required to ensure that the schemes would have an acceptable cumulative impact. To deliver this wider scheme of improvement the highway contributions secured under individual planning applications would be combined (whilst still complying with The Community Infrastructure Levy Regulations 2010) for the Highways Authority to detail up and deliver appropriate schemes where it considers appropriate.
103. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while the development would have some impact on the wider highway network, this would not be at a severe level, subject to securing of the mitigation proposed. This residual impact is considered to be less than identified in the refused application but should be taken in to account in the planning balance. The scheme is considered to accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

Ecology

104. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The closest site of nature conservation is located 2.8km to the south east of Witton-le-Wear SSSI and 740m from Escombe Pasture Local Wildlife Site. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A conditional approach is however recommended requiring further surveys of mature trees should they need to be removed. 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.
105. 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 Part 11 of the NPPF in this respect subject to a condition developing

the lighting strategy for the site and securing the off-site contribution through a planning obligation under S106 of The Town and County Planning Act 1990 (as amended).

Residential Amenity

106. 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. Whilst 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.
107. The detailed site layouts of phase's 1 and 2 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 WVDLP. This is with the exception of plot no.25 where the gable elevation would be located approximately 5.1m from the side elevation of the existing detached bungalow of Rimrock. This elevation contains a habitable room window, however this is a secondary window, with principal windows on the front and rear elevation of this property. Although the development would reduce the outlook from this window, it is considered that it would not reduce the occupiers' residential amenity to a level that would warrant refusal of the application. In addition, consideration also needs to be given to the impact of a 2m high boundary fence which could be erected under permitted development around the site, in lieu of a 1.2m high boundary fence.
108. Overall, it is considered that there would be an appropriate relationship to neighbouring and future residents, in terms of overlooking, privacy and outlook. Further scrutiny of this matter would be given to a reserved matters application for the outline element of the scheme.
109. The development would increase the comings and goings of vehicles, and to a lesser degree pedestrian which would have an impact on the amenity of existing residents. However, such impacts are considered to not be so significant as to would warrant refusal of the application.
110. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts.
111. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing commercial garage on Etherley Moor Road. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties along Wigdan Walls Road 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 adequate levels of residential amenity would be achieved.
112. Following refusal of the original planning application, and another application in the area the applicant has undertaken an odour assessment assessing the impact of existing and potential future farming operations. Following discussions with the farm

owner this includes the potential diversification to pig farming, which is considered a worst case scenario in terms of odour. The report concludes that based on the existing operations of the farm there would be no impact of odour on residential amenity would be negligible. Should the operations diversify to pig farming (the worst case scenario) it is identified that the immediate vicinity of the site (25m) there would be some adverse odours, however at 36m this would reduce to negligible and not significant. At a distance of 150m, to the closest dwelling, the report concludes that there would not be any significant impact. Environmental Health and Consumer Protection officers agree with the methodology and conclusions of the submitted report and advise that a statutory nuisance would not arise.

113. Overall, the scheme would comply with WVDLP Policies GDP1 and H24 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and operations and achieve a satisfactory separation distance internal and external to the scheme ensuring adequate levels of residential amenity.

Flooding Risk and Drainage

114. 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.
115. 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 drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin to capture surface water in 1 and 100 year flood events to discharge to Coal Burn at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and porous paving, which would help restrict runoff to greenfield rates before being discharged to a water course. Subject to securing the finer detail of this approach, 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.
116. 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.
117. 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

118. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies within 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 identification of a mine entries in the north west portion of the site and adjacent to the north eastern boundary, along with potential unrecorded mine workings. The applicant has detailed in principle how

these mine entries would be treated and capped while large areas of the site would be grouted to stabilise the land. The Coal Authority advise that the preliminary strategy to deal with the historic coal mining legacy is acceptable, however a condition to secure further site investigations to inform detailed mitigation measures is recommended. It is highlighted that there is a coal shaft located in proximity of the north western boundary of the site which may require a standoff if adequate foundation details cannot be produced. Whilst dialogue has taken place between the applicant and the Coal Authority on this issue, detailed foundation designs have not been fully worked up and approved by the Coal Authority for these plots. Therefore in order to allow the development to progress, these three plots have been omitted from this application until such a time this matter is resolved. The omission of these properties has no significant impact on the layout of the site.

119. 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 the further monitoring and assessment is required, particularly in relation to gas modelling, it is recommended that this is agreed by condition.

Heritage Impacts

120. The Grade I building of Escombe Church is located 1.2km to the north of the site. Bishop Auckland Conservation Area lies 1.8km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is located 4.2km to the north west of the site. The Grade I building of Escomb Church is located 1.2km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site. The Planning Authority is required under S.66 of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings. In assessing this impact given these separation distances and the limited inter visibility between the nearest listed buildings and conservation areas The Council's Design and Conservation officers have advised that there are no heritage related issues associated with the development.
121. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a Geophysical Survey which has been supplemented by trial trenching, following these investigations the Council's Archaeology officer advises that there are no archaeological interests that would be affected by the development and therefore no further mitigation is required.

Other Matters

122. 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 is classified as Grade 3b, falling below the definition of best and most versatile which the NPPF seeks to protect. The loss of this land for agriculture is therefore not considered to be an adverse impact.
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. However, it is advised that dust management plan should be adopted during the construction phase in order to comply with 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. However, this would be achieved through the building regulations.
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 School Places and Admissions Manager highlights that a development of 234 dwellings would be expected to generate 70 primary and 28 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 £695,389 is offered by the developer by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990. This contribution would be in line with the Council's revised policy on securing developer contributions in relation towards education provision.
127. 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 24 dwellings, 1 in the first phase and 13 in the second phase. The affordable units would take the form of 2 bed semi-detached and terraced properties, with the tenure to be agreed and secured through a planning obligation. It is likely that a 25/75 % mix of discounted market value and socially rented units would be provided.
128. 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.

129. 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.
130. In this instance the site layout indicates that 1.6ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. A separate area of 600sqm equipped child/youth play space is also proposed within the site. This provision, along with other incidental areas meets the identified OSNA targets for different open space and recreation typologies. This is with the exception of the provision of the allotment typology. Within the Bishop Auckland and West Auckland area there is an under provision of allotments, however this under provision is considered to be outweighed in this instance by the quality of green infrastructure proposed and equipped play. No off site contribution is therefore required to mitigate the development's impact as the scheme overall would provide an enhanced amenity resource in the local area.
131. The Council's Employability officer requests that targeted recruitment and training (TRT) clauses are included within a S106 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. This must be viewed as a voluntary arrangement and is discussed later in this report.
132. In addition to those obligations considered necessary to make the development acceptable and the voluntary TRT obligation, the applicant has, by way of a unilateral undertaking, offered a financial contribution of £300,000 as a community contribution. The community contribution would be for distribution to local community organisations known as the Heath Express (£125,000), The South Durham Enterprise Agency (£125,000), and the Bishop an Auckland and Shildon Area Action Partnership (£50,000 for use in the West Auckland Electoral Division). As such a contribution is not considered necessary in planning terms it follows that it must therefore be afforded no weight in the consideration of the application proposals.

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 24 affordable housing units which would meet an identified short fall within the County.
138. The scheme would provide for an attractive public realm including child play space that would be accessible for local residents.
139. The applicant has also stated that in accordance with the request from the Employability Team that this requirement would be included in the proposed planning obligation to secure targeted recruitment and training/local labour requirements.

Adverse Impacts

140. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
141. 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. Due to the mitigation now able to be brought forward at the Watling Road/ Cockton Hill Junction this residual impact is considered less than that identified in the original planning application.

CONCLUSION

142. This revised application seeks to address the previous reason for refusal which has involved a detailing of the outline element of the application and submission of additional assessments these have been considered in the determination of this application. It is concluded that development would still conflict with WVDLP Policies H3 and ENV1. 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. In line with the previously refused scheme, it is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. There would be some residual impact on the wider highway network through increase traffic, however at a lesser level than in the refused application due to the mitigation now able to be brought forward. 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 significantly and demonstrably 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, off site habitat creation, provision of affordable housing, commitment of targeted recruitment and training and recruitment policy and creating pedestrian links to the south are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. The provision of a community contribution does not meet such tests and is therefore not afforded 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.

RECOMMENDATION

That the application is **APPROVED** subject to:

The completion of a Section 106 Legal Agreement to secure the following:

- 11 Affordable Housing units in Phase1;
- 13 Affordable Housing units in Phase 2;
- £496,012 for offsite highway mitigation works;
- £695,389 education contribution;
- £43,168 for offsite habitat creation;
- Securing pedestrian links over Coal Burn; and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

The completion of a Unilateral Undertaking given on a voluntary basis to secure a community contribution of £300,000; and,

The following conditions:

1. The development hereby permitted in "Phase 1" as identified on drawing ED:SL:01 Rev O shall be begun before the expiration of three years from the date of this permission

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. No development other than site clearance and remedial works shall take place in Phase 2 as identified on drawing ED:SL:01 Rev H until approval of the details of the, landscaping (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with

the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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

3. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents :-

LP-01 – Site Location Plan
EX-01 – Existing Site Plan
ED_SL_01 Rev H – Planning Layout @ 1:1000 Rev P
ED_SL_02 Rev B – Planning Layout @ 1:500 Rev C
ED_EHL_01 Rev A – Boundary Treatments and External Hard Landscaping Plan Materials Schedule Phase 1 Rev E
ED_EHL_02 Rev C – Boundary Treatments and External Hard Landscaping Plan Materials Schedule Phase 2
BD_001 – 1.8 Timber Fence Detail
BD_002 – 1.8 Wall and Fence Detail
BD_003 – 900mm Post and Rail Detail
SITE/APN/000 – Appleton End
SITE/ASY/001– Ashbury Brick
SITE/COD/001 – Coleford End
SITE/CRD/001– Cranford End
SITE/DAN/001 – Dalton 1 Det
SITE/DAN2/001 – Dalton 2 Det
SITE/KIN/001– Kilmington End
ETH/SUN/001 - Sutton
ETH/NEN/001 – Newton Det
ETH/NOY/001 – Norbury Det
ETH/ROY/001 – Rosebury
Elevation Option Drawing
799_01 Rev E – Landscaping Strategy Rev I
799_10 – West Boundary Cross Sections
799_11_ Suds area Typical Cross Sections
C005 Rev C – Northern Site Ghost Island Rev F

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

4. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan C005 rev F shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully completed prior to the occupation of the 30th dwelling.

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

5. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway and resurfacing of existing pedestrian footway along B6282 Etherley Moor Road in a easterly direction for 50m, shall be submitted to and approved in writing by the Local Planning Authority. The footpath and resurfacing work shall thereafter be completed in accordance with the approved details prior to the occupation of the 30th dwelling hereby approved.

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

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

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

7. Prior to the occupation of the fifth dwelling hereby approved, full engineering details of the resurfacing and lighting of the Public Right of Way (no.10 Bishop Auckland) extending from the eastern boundary of the site to Rockingham Drive shall be submitted to and approved in writing by the Local Planning Authority. The resurfacing work and lighting shall thereafter be completed in accordance with the approved details prior to the occupation of the 50th dwelling hereby approved.

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

8. Prior to the occupation of the fifth dwelling hereby approved, full engineering details of the resurfacing and lighting of the Public Footway south of Lancaster Close, extending from the eastern boundary of the site to Rockingham Drive and the method of connection to the footway from the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be completed prior to the occupation of the 30th dwelling hereby approved.

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

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

10. No development work shall take place until all trees and hedges 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.

11. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved a detailed landscaping scheme based on the principles set out in the Landscaping Strategy, Drwg 799_01 Rev H shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.
- Details of all means of enclosures.

The submitted scheme shall ensure that any land regrading required to facilitate the SUDS scheme is located outside of any tree protection area.

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

Trees, hedges and shrubs planted in accordance with the scheme shall not be removed within five years. Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF.

12. Notwithstanding the submitted information, prior to the occupation of the 5th dwelling, full details of the Children's Play Area and informal play/trim trail areas set out on drawing ED:SL:01 Rev O should be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, details of equipment to be installed, surfacing of the areas, boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved play areas shall be completed in accordance with the approved details and timeframes thereafter.

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.

13. Prior to the occupation of the first dwelling of the relevant phase identified on drawing ED:SL:01 Rev H a Framework Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

14. Within a period of six months of the first occupation of any part of the development of the relevant phase identified on drawing ED:SL:01 Rev H, a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

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

15. Prior to the occupation of the first dwelling in Phase 1 as set out on plan drawing ED:SL:01 Rev O a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed 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 completed 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.

16. Prior to the occupation of the first dwelling in Phase 2 as set out on plan drawing ED:SL:01 Rev O a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed 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.

17. 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 completed 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.

18. The development shall take place in strict accordance with the Mitigation detailed in Section H of the Ecological Impact Assessment.

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

19. Notwithstanding the submitted information, prior to the removal of any tree on site a bat risk assessment for that tree shall be submitted to and approved in writing the Local Planning Authority. Should the approved risk assessment identify further survey work is required this shall be undertaken and the results along with any mitigation required (including potential retention of the tree) submitted to and approved in writing by the Local Planning Authority. The development shall be thereafter carried out in accordance with the approved detail and/or mitigation.

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.

20. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall incorporate mitigation detailed within section H of the Ecological Impact Assessment compiled by E3 ecology, Dated October 2016. The approved lighting strategy shall thereafter be incorporated into the development.

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.

21. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by Wardell Armstrong NT12821 report No. 001 dated October 2016 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with GDP1 of the Wear Valley District Local Plan and Part 11 of the NPPF.

22. Prior to the commencement of development of "Phase 1" as set out on plan drawing ED:SL:01 Rev O 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 for implementation of those remedial works.

The scheme thereafter shall be completed 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 commencement of development of "Phase 2" as set out on plan drawing ED:SL:01 Rev O 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 for completion 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.

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (2015) or any order or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, or walls, other than those other than those hereby approved shall be erected beyond the forward most part of any wall of a dwelling house which faces onto a vehicular highway.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley District Local Plan and Part 7 of the NPPF.

25. 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 Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and

verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

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

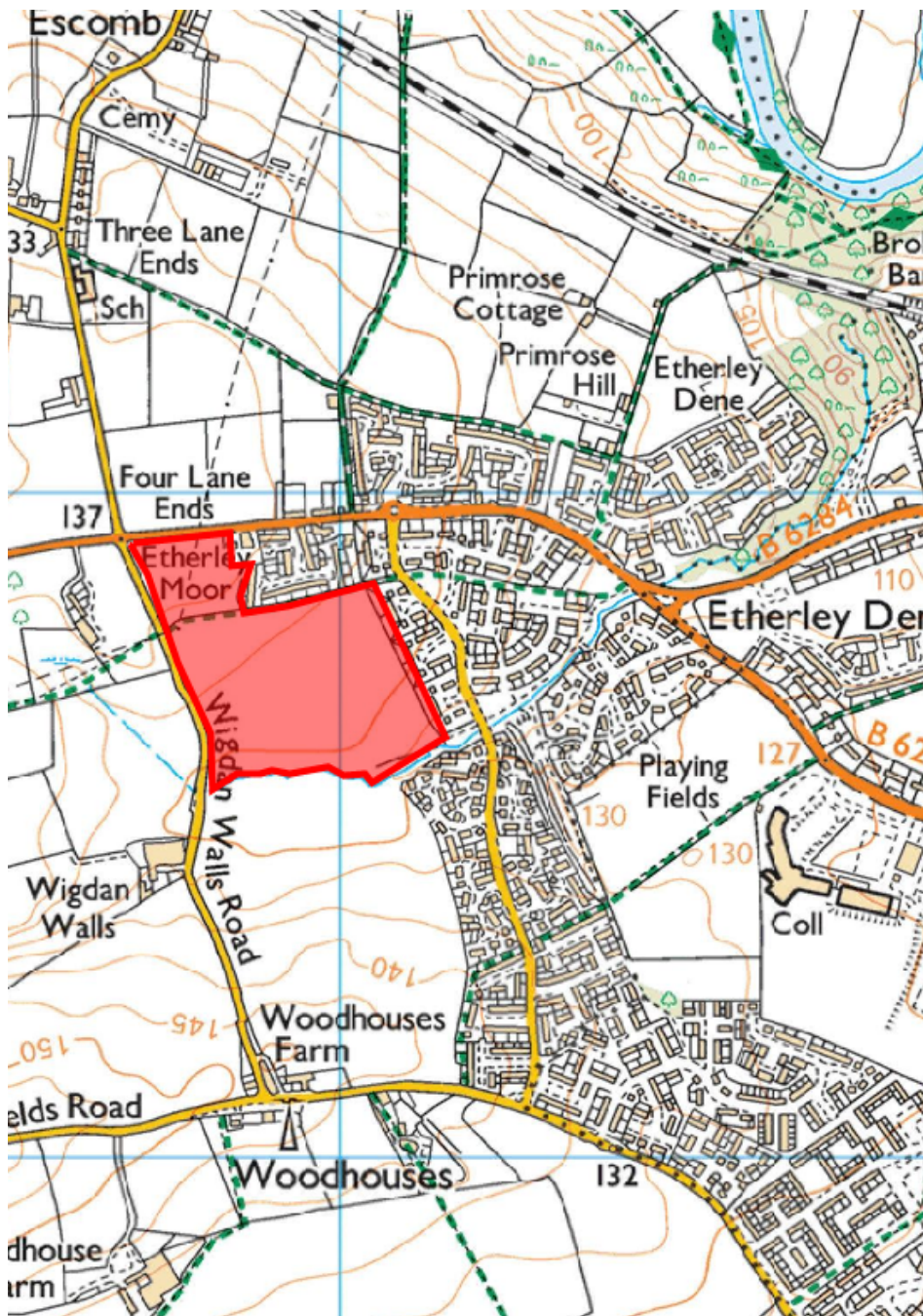
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

DM/17/01765/FPA Resubmission of DM/16/03249/FPA, hybrid application, full planning permission for the erection of 123 dwellings and outline planning permission (landscaping reserved) for up to 111 dwellings

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Comments

Date July 2017

Scale Not to scale