

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00244/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for 101 residential dwellings and means of access (all other matters reserved).
NAME OF APPLICANT:	Yearville Estates Limited
ADDRESS:	Land At Catkin Way, Bishop Auckland, DL14 9AF
ELECTORAL DIVISION:	West Auckland
CASE OFFICER:	Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a rectangular shaped parcel of land located within the Woodhouses area of Bishop Auckland. The site extends to approximately 3.16 hectares (ha) in area and comprises previously developed land, formally within an industrial use. Concrete hardstandings are present on the site with an area of mature vegetation along the north eastern site boundary. The site is relatively level, however a 2m fall is evident from the southern and part eastern site boundary to adjacent land containing residential properties and the highway Greenfields Road.
2. A public right of way (Footpath No.15 (Bishop Auckland)) lies adjacent to the northern boundary of the site, along an adopted highway, which provides the sole vehicular access to the site. Beyond this highway existing industrial buildings are located, which operate at a low intensity. To the east, the adopted highway of Greenfields Road is located, beyond which lies the residential area of Woodhouses. To the south of the site, the residential terrace of West View is located along with the retail stores of Lidl, Home Bargains and T.K. Maxx. To the west of the site the concrete hardstandings of a cleared industrial building are present.
3. The site is located 3.9km to the south east of Witton-le-Wear Site of Scientific Interest (SSSI) and 1740m from Escombe Pasture Local Wildlife Site. The Grade I listed building of Escombe Church is located 2.7km to the north of the site. Bishop Auckland Conservation Area lies 2.6km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.4km to the north 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 5.2km to the north west of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site. There are no landscape designation within or adjacent to the site.

The Proposal

4. This outline planning application is for the erection of 101 dwellings including the means of access with all other matters reserved. An indicative site layout has been submitted setting out that the dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road. It is indicated that there would be active frontages overlooking an area of public open space that would be provided to the eastern site boundary. The sole vehicular access to the site would be taken off Catkin Way.
5. This planning application is being reported to the South West Planning Committee because it is a residential development with a site area in excess of 1 hectares and over 100 dwellings.

PLANNING HISTORY

6. Outline planning permission was granted in 2007 on appeal and again in 2011 for a residential development up to 118 dwellings (Permission No. 3/2011/0272).
7. A full planning application for the erection of 75 dwellings immediately adjacent to the site is pending determination (Application No. DM/17/00466/FPA).

PLANNING POLICY

NATIONAL POLICY

8. 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’.
9. 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.
10. *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.
11. *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.

12. *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.
13. *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.
14. *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; 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 BE1 – Protection of Historic Heritage* – Sets out that the Council will seek to conserve the historic heritage by maintenance, protection and enhancement of features and areas of particular historic architectural interest or archaeology interest.
23. *Policy BE4 – Setting of a listed Building* – Sets out that development that impact upon the setting of a listed building and adversely affects it its special architectural, historical or landscape character will not be allowed.
24. *Policy BE 5 – Conservation Areas* – Identifies Conservation areas on the proposals map while seeking to protect them from inappropriate development.
25. *Policy BE8 – Setting of a Conservation Area* – Sets out that ddevelopment which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
26. *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.
27. *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.
28. *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.
29. *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
30. *Policy H24 – Residential Design Criteria*. New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
31. *Policy I5 – Industrial Estates* – Sets out that within designated Industrial Estates proposals for offices and business use (use class B1), general industry (use class B2) and storage and distribution (Class B8) will be permitted in principle
32. *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.

33. *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

34. 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:

35. *Highway Authority* - It is advised that subject to minor modification to the location of the access point the proposed access arrangements would represent an appropriate access into the site and would not adversely impact on highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and highway improvement works to alleviate pressures at the junction Maude Terrace/Greenfields Road are required. A contribution of £241,000 has been costed to deliver these wider capacity improvements which would need to be secured by a S106 agreement. It is however advised that residual impacts would result in increased queues and delays despite the mitigation, this would however not amount to a severe cumulative highway impact.
36. *Drainage and Coastal Protection* – Advise that the principles set out in the submitted flood risk assessment and drainage strategy are acceptable, subject to the detailing of the final scheme in support of any reserved matters application.
37. *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 would need to be upgraded by NWL to accommodate additional flows.
38. *Coal Authority* – Advise a conditional approach requiring further site investigations and detailing of mitigation where required to be submitted alongside any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan, in this case the (WVDLP). The site is located within the ‘limits to development’ for Bishop Auckland as defined by Policy H3 of the Plan, and its development would accord with this Policy. The scheme would however conflict with Policy I5, however it is considered that this Policy can be afforded reduced weight as it has previously been established through an employment land review that the land is not needed for future employment purposes.
40. It is considered that the site is well related to the town with good access by shops and facilities located at Tindale Crescent. The principle of developing the site for housing would accord with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the town, and effectively re-use land that has been previously developed. There are no in-principle objections to the development of the site.
41. *Landscape* – It is advised that consideration should be given to the rationalisation of the existing landscaping along the eastern boundary of the site, to form an active urban environment to be secured through any subsequent reserved matters application.
42. *Landscape (Arboriculture)* – Advise that the development is feasible without significant tree removal or conflict but a comprehensive landscape plan, to include tree removal retention and enhancement of the tree belts and provide a plan to show protective fencing should be submitted, particularly in relation to the trees on the southern boundary of the site.
43. *School Places and Admissions Manager* – Advises that a development of 101 houses could generate an additional 30 primary pupils and 12 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 and secondary schools in the area would need to be increased to accommodate the additional demand. A contribution of £300,931 is sought to deliver the increased primary and secondary capacity.
44. *Sustainability* – Offers no objections, while highlighting that improved connectivity to existing facilities should be secured. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
45. *Archaeology* – Raise no objection due to the previously developed nature of the site.
46. *Housing Delivery* – Advise that the scheme should provide a minimum of 10% affordable housing.
47. *Access & Rights of Way* – Identify that a public right of way passes the north of the site (Footpath No.15 Bishop Auckland).
48. *Ecology* – Advise that the conclusions of the submitted Ecological Appraisal are sound. It is however advised that the recommendation for ecological enhancements don’t go far enough to attain the net gain for biodiversity as required by the NPPF. It is therefore recommended that a detailed scheme for ecological enhancements is submitted for approval alongside a reserved matters application to ensure deliverability and address habitat loss on site.

49. *Environmental Health and Consumer Protection (Air Quality)* – The development would not exceed the indicative thresholds for traffic generation requiring the submission of an air quality impact assessment and therefore 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.
50. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that a Geoenvironmental Desk Study Report has been submitted in support of the application. Given the above and due to the fact that this development constitutes a change of use to a more sensitive a conditional approach to land contamination is recommended.
51. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures indicated within the submitted noise assessment reports. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
52. *Sustainable Transport* – Advise that modifications to the submitted travel plan are required, to be agreed by condition.
53. *Assets (viability)* – Advise that the general conclusions of the viability assessment are sound and the development could not support additional levels of contributions/affordable housing and remain viable.
54. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.

NON -STATUTORY RESPONSES:

55. *Police Architectural Liaison Officer* – Offers layout advice any new development should accord to whilst highlighting that existing public rights of way should be overlooked.
56. *NHS* – Advise that Auckland Medical Practice has sufficient capacity whilst no wider cumulative impacts are identified.

PUBLIC RESPONSES:

57. The application has been publicised by way of press notice, site notice, and individual notification letters. No representations have been received.

APPLICANTS STATEMENT:

58. The site is brownfield land that is within the built development limits of Bishop Auckland. The site is also considered to be in a sustainable location given it is in close proximity to local shops, services and facilities including schools and jobs. The proposal will bring clear economic benefits in terms of creation of construction jobs and increased spend in the local economy post construction. Social benefits will arise from the provision of affordable housing whilst access to existing open space will have health and well-being benefits for both existing and future residents.
59. In terms of environmental benefits, the site itself is of low ecological value, the scheme provides opportunities for enhancement through the retention of existing planting to the boundaries and opportunities for new planting within the site. The proposal will not result in any drainage / flood risk issues and can be safely served from Bishop Auckland.

60. The site has previously had consent for residential development for 118 residential dwellings, granted at appeal in 2007. Permission was granted to extend the permission in 2011 however this has now expired.
61. The Authority is part of a government pilot to promote development on brownfield land. The authority prepared a register of suitable brownfield housing sites available in the county as of June 2016. The application site is referred to on the register as 3/BA/20, Catkin Ways with a housing estimate of 118 residential dwellings.
62. The proposal is considered to constitute sustainable development with no adverse impacts that significantly or demonstrably outweigh the environmental, social and economic benefits arising from the delivery of new houses. In light of the above and the Council's current housing supply position, together with the previous appeal decision which establishes the principle of the use of the land for residential development, it is considered any application for residential development on the site should be considered favourably

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OKAATWGDL6N00>

PLANNING CONSIDERATIONS AND ASSESSMENT

63. 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, layout and design, highway safety and access, ecology, residential amenity, flood risk and drainage, ground conditions, heritage impacts, other matters and viability/planning obligations.

The Principle of Development

The Development Plan

64. 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.
65. 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 depending on the circumstances.

The NPPF

66. 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.
67. 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.
68. 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.
69. 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 where outlined below.

Five Year Housing Land Supply

70. 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, then housing policies in a Local Plan cannot be considered up to date.
71. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 dwellings per annum (29,127 houses by 2033)
 - 1,629 dwellings per annum (30,951 houses by 2033)
 - 1,717 dwellings per annum (32,623 houses by 2033)
72. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.

73. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
74. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
75. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
76. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

Assessment having regards to Development Plan Policies

77. WVDLP Policy I5 designates the site as an industrial estate (Greenfields Industrial Estate). Within the estate, Policy I5 sets out that proposals for offices and business use (use class B1), general industry (use class B2) and storage and distribution (Class B8) will be permitted in principle. The proposed residential use would therefore not conform to the allocation in the WVDLP.
78. WVDLP Policy I5 is considered partially consistent with the NPPF. Although the NPPF sets out that adequate employment land should be made available to meet demand it requires at Paragraph 22 that land allocations should be regularly reviewed. Paragraph 22 also sets out that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and need for different land uses to support sustainable local communities.
79. Given the age of the employment land supply figures that informed WVDLP Policy I5, the policy does 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 policy reduced as a result.
80. In addition to this an Employment Land Review (ELR) was undertaken in 2012 which identified large areas of vacancies and site clearance with a rundown appearance within Greenfield Industrial Estate. The ELR recommended that the site should not be protected for specific employment uses and therefore deallocated. Given the recommendation of the ELR, a material planning consideration, and the more flexible approach promoted in the NPPF, it is considered that the policy conflict with Policy I5 should be given reduced weight in the planning balance.
81. WVDLP Policy H3 sets out that new housing development should be located in the towns and villages best able to support it, setting out limits of development. 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. The NPPF

does not prevent a local planning authority from defining settlement boundaries; however, these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. As Policy H3 is not based on up-to-date evidence of this nature, it is therefore considered out of date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policy reduced as a result.

82. 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.

Conclusion on Principle of Development

83. The development of the site for housing would, in principle, be contrary to WVDLP Policy I5. However, WVDLP policies for the supply of employment land are out of date given the age of evidence which is not considered up to date. 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, particularly in this instance given that it is only partially consistent with the NPPF and the recommendations of the ELR to deallocate the site for industrial/commercial purposes. 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 in the paragraph NPPF 14 test.

Locational Sustainability of the Site

84. 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 Woodhouses and the wider development of Bishop Auckland relatively well by utilising existing connections and reinforcing pedestrian connections along the eastern boundary of the site.
85. 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. A distance of 2,600m is evident to the town centre, 480m to Tindale Crescent retail and employment sites. A distance of 1,500m is evident to the nearest secondary school and 640m to the nearest primary school. The nearest GP is located 1,500m away while Bishop Auckland Hospital is located 2,500m away.
86. 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 101 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.

87. 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 northbound on Greenfield Road (approx. 150m away) and Watling Road (approx. 320m away). This would give access to the town centre and connections beyond. A range of transport options would therefore be available for future residents.
88. In order to access the bus stop services and surrounding amenities adoptable footway links would be required on the complete eastern site boundary with Greenfields Road. A link from Greenfields Road/Catkin Way junction to Greenfields Road bus stop to the north of the site would also be required to prevent pedestrians walking on the carriageway between the stop and the development site. These could be delivered by conditions.
89. 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 WVDLP Policies GDP1 and H24 (which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF) and Parts 4 and 7 of the NPPF.

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 the application is in outline form, however an indicative layout has been submitted which following amendments demonstrates that development could be achieved on site with an acceptable layout and pedestrian connections. Although the layout indicates that a significant amount of vegetation would be removed the eastern vegetation, it is considered that subject to detailing a suitable landscape scheme in any reserved matters application, this would be acceptable and would appropriately relate to the urban environment as advised by the Council's Landscape officers.
93. Further to this it is recognised that the site in its present condition has an adverse impact on the character and appearance of the surrounding area, with a derelict untidy appearance. The development of the site as indicated on the submitted layout, subject to further detailing in any reserved matter application, would represent a positive contribution the street scene and could be considered a benefit in the planning balance.

94. 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. It is considered that the provision of public art could be secured on the site to be secured by condition, to either be delivered at the site entrance or within the public open space as part of the landscaping scheme.
95. Overall, it is considered that the indicative layout has the potential to significantly improve the appearance of the area creating an attractive development that would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and would create a safe and accessible environment integrating itself with the existing settlement, in accordance with WVDLP Policies GP1 and H24 and Part 7 of the NPPF.

Highway Safety and Access

96. 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.
97. The development would be served by a single vehicular access taken off an unnamed adopted road leading from Greenfields Road. The proposed access would be slightly offset to an existing vehicular access serving a commercial unit adjacent to the site. The Highways Authority has advised that subject to minor modification to the location of the access point, to effectively form a cross road with the access opposite, the proposed access arrangements would represent an appropriate access into the site and would not adversely impact on highway safety.
98. 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, up to operational capacity. The mitigation is in the form of road widening along and layout changes with the traffic light reconfigurations at Maude Terrace/Greenfields Road.
99. The Council as Highway Authority, agree with the methodology in the submitted Transport Assessment (as amended) to assess the traffic impact of these development. It is advised that the mitigation proposed at Maude Terrace/Greenfields Road would result in the junctions operating satisfactorily with the added flows of the development. 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.
100. 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 through planning obligations 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.

101. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, and while the development would have some impact on the wider highway network, this would not be at a severe level, subject to securing the mitigation proposed. This residual impact 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

102. 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 3.9km to the south east of Witton-le-Wear SSSI and 1740m 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 is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes managing green spaces on site to promote their ecological value, erecting bird and bat boxes
103. The Councils Ecology Officer advises that the findings and conclusions the submitted ecology report are sound, however it is recommended that in order to ensure a net biodiversity gain is achieved a detailed scheme for ecological enhancements is submitted for approval alongside a reserved matters application to ensure deliverability and address habitat loss on site. Overall, subject to this condition the development is considered to conform to Part 11 of the NPPF in this respect.

Residential Amenity

104. 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.
105. The indicated site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings could be achieved as advocated in the WVDLP. 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. 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.

106. 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.
107. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing commercial/industrial uses within Greenfield Industrial Estate and at Tindle Crescent. 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 within the development 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, subject to further details to be provided in support of any reserved matters application.
108. The submitted noise report has assessed the impact of the development against the existing noise climate, which includes the two large commercial/industrial buildings to the north of the site which currently operate at a low intensity. Should the intensity of these uses increase, or be brought back into use a conflict could potentially rise with the new housing. The buildings have an unrestricted B2/B8 use there would be no planning restriction on the future activities and therefore they would be at risk of restrictions placed upon them through the Environmental Protection Act 1990 (Statutory Nuisance) which Paragraph 123 of the NPPF seeks to avoid. However, as set out above a recently undertaken Employment Land Review proposes to deallocate the site for industrial/commercial purposes and therefore the potential loss/restriction of employment land would not have a wider impact on the provision across the County, although this is still considered an adverse impact in the planning balance.
109. Overall, the scheme would comply with WVDLP Policies GDP1 and H24 and Part 11 of the NPPF and would have and subject to acoustic attenuation mitigation the development would have appropriate relationship with existing developments. The indicative layout sets out that the development could achieve satisfactory separation distance internal and external to the scheme ensuring adequate levels of residential amenity.

Flooding Risk and Drainage

110. 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.
111. 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 source and site controls leading to a retention basin to capture surface water and discharge at greenfield run-off rates. 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.

112. 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.
113. 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

114. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advise that underground coal mining has taken place underneath the site at shallow depth. The applicant has detailed in principle, subject to further site investigations how the site stabilised, including grouting and the use of pile foundations. The 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.
115. 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, in accordance with Policy GD1 of the WVDLP and Part 11 of the NPPF

Heritage Impacts

116. WVDLP Policies BE1, 4, 5 and 8 cumulatively seek to protect and enhance Conservation Areas and the character, appearance and setting of listed buildings. These Policies are consider largely consistent with the NPPF which at Part 12 seeks to protect heritage assets proportionate to their significance. The site is located 3.9km to the south east of Witton-le-Wear SSSI and 1740m from Escombe Pasture Local Wildlife Site. The Grade I listed building of Escombe Church is located 2.7km to the north of the site. Bishop Auckland Conservation Area lies 2.6km to the north west of the site containing the Grade 1 listed building of Auckland Castle. Cockton Hill Conservation Area is located 2.4km to the north 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 5.2km to the north west of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site. However, as the site would have no direct inter-visibility with these heritage asset, principally due to the surrounding land topography existing development of Bishop Auckland there would be no harm in this respect.
117. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. However, given the previously developed nature of the site the Council's Archaeology officers advise that there would unlikely to be any remains of any significant on the site and therefor no further mitigation is required in this respect.

Other Matters

118. The development would not exceed the indicative thresholds for traffic generation requiring the submission of an air quality impact assessment and therefore as advised by the Council's Environmental Health and Consumer Protection (Air Quality) officer 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.
119. 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.
120. The NHS advise that Auckland Medical Practice has sufficient capacity whilst no wider cumulative impacts in relation the capacity of medical care are identified.

Viability/Planning Obligations

121. Paragraph 72 of the NPPF 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 101 dwellings would be expected to generate 30 primary and 12 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 other developments proposed within the area, the capacity of primary schools would need to be increased to accommodate the additional demand from this development. Based on the Council's policy in relation to securing developer contributions towards education provision, a combined contribution of £300,931 would be required. The applicant has presented a case setting out that the development would not be viable with this mitigation. The Council's Policy in relation to education contributions does recognise the issue of viability and allows exceptions in this respect.
122. 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. In order to accord to relevant policies, 16 dwellings would need to be offered on an affordable basis. However, the applicant has presented a case setting out that the development would not be viable with this obligation imposed.
123. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
124. The OSNA sets out the requirements for public open space and recreation provision 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. In this instance the site layout indicates that 0.35ha of amenity open space and semi natural green space would be made available on site. Therefore, in order to mitigate the developments impacts based on OSNA targets an offsite contribution of £200,964 would be required to maintain and enhance existing

facilities. Again, the applicant has sets out that the development would not be viable with this obligation.

125. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability. This is reflected in the Councils policy in relation to securing developer contributions towards education provision. In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate to the Council's satisfaction that this is the case.
126. Advice has been sought on this matter from the Council's Assets and Spatial Policy officers, who have considered in detail the submitted development appraisal for the site, including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions, once the amount paid for the site and development costs are taken from expected sale values, excluding any affordable housing provision, the viability of the site is considered marginal, and well below the 17-20% acceptable range of return. Having regard to the advice within the NPPF, it is accepted that the development could not mitigate its impact in relation to education provision, open space and recreation provision or deliver affordable housing provision whilst remaining viable.
127. The failure of the development to mitigate its impacts in relation to education provision and open space and recreation facilities are considered adverse impacts which need to be weighed in the planning balance. The lack of affordable housing is not considered a harm, but the development would conflict with WVDLP Policy H15 in this respect.
128. The Council's Employability officer requests that targeted recruitment and training clauses secured through a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 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, however, in the absence of specific policy requirements in this regard, such an obligation is considered voluntary.

Planning Balance

129. 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

130. In light of the recent Government consultation document entitled "Planning for the Right Homes in the Right Places" and the likely change to the Council's position on five year land supply, the weight given to this boost in housing supply is marginally reduced but still carries weight in favour of the proposals nonetheless. Ultimately, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if the Issues and Options scenario was still being relied upon.
131. 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. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.

132. The development would result in the positive re-use of previously developed land (which is listed on its Brownfield register) which in its current form has an adverse impact on the character and appearance of the surrounding area which is unlikely to come forward for any alternative employment use. The development of the site would result in significant environmental improvement, this benefit and the reuse of brownfield land should be afforded significant weight in the planning balance.

Adverse Impacts

133. The development would have a residual impact on the capacity of existing primary and secondary schools to accommodate additional pupils, and for which the Council would need to provide mitigation. However, the Council's Policy in relation to education contributions does recognise the issue of viability and allows exceptions in this respect. In addition there would be a degree of displacement to surrounding schools with existing capacity.
134. The development would increase pressures on existing open space and recreational facilities in the area, in conflict with WVDLP Policy RL5, however mindful of the significant highways contributions required in this instance the scheme could not bear the costs of additional contributions. There is also a healthy supply of outdoor sport space and amenity open space typologies within the immediate area, whilst there is some onsite provision.
135. 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.
136. The development could prejudice the use of the two adjacent industrial units should their use intensify. However, it is proposed in a recent employment land review to deallocate these sites for employment purposes.

CONCLUSION

137. It is concluded that the development of the site for housing would be contrary to WVDLP Policy I5. However, in this case, the NPPF, a significant material consideration, sets out that on the basis that relevant employment and housing policies are out-of-date, that the presumption in favour of sustainable development is engaged, and as such, 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.
138. In line with the previously refused scheme, it is identified that the development would result in harm in relation to the capacity of education provision in the area, increase pressures on open space and recreational facilities in the area, result in a residual impact on the highway network and could prejudice the future use of two existing industrial units. However, due to the viability position of the site and the benefits of the development including the re use of brownfield land in a sustainable location that

would result in a significant environmental improvement 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.

139. 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 highway mitigation works, are considered necessary for the development to be considered acceptable and therefore meet the relevant tests.
140. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.
141. The proposal has generated no public interest, with no representations having been received.

RECOMMENDATION

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

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

- £241,000 for offsite highway mitigation works and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

The following conditions:

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

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

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

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. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway extending from Catkin Way for the full length of the eastern site boundary along Greenfields Road shall be submitted to and

approved in writing by the Local Planning Authority. The footpath 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 National Planning Policy Framework.

4. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway extending 45m from Catkin Way to the north bound bus on Greenfields Road shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall thereafter be completed in accordance with the approved details 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 National Planning Policy Framework.

5. 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 National Planning Policy Framework.

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

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

7. Within a period of six months of the first occupation of any dwelling, 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.

8. A detailed scheme for the management and disposal of surface water and foul water from the development shall be submitted to and approved in writing by the Local Planning Authority alongside any application for reserved matters. The detailed scheme shall be based on principles set out in The Drainage and Flood Risk Statement, ref RR/DFS/5083.v2. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the National Planning Policy Framework.

9. 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 National Planning Policy Framework.

10. The development shall take place in accordance with the ecological enhancement recommendations detailed within the preliminary Ecological Appraisal, Ref R-2860-01 dated April 2017.

Reason: To minimise impacts on biodiversity and providing net gains in biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework and Policy GDP1 of the Wear Valley District Local Plan.

11. Prior to the erection of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by Environmental Noise Solutions ref NIA/7348/17/7290 V1.0 as amended by report 7348/31/8/RP 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 and the approved details to be retained in perpetuity.

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 National Planning Policy Framework.

12. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with policy GDP1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

13. Prior to the commencement of development 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 National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

14. 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.

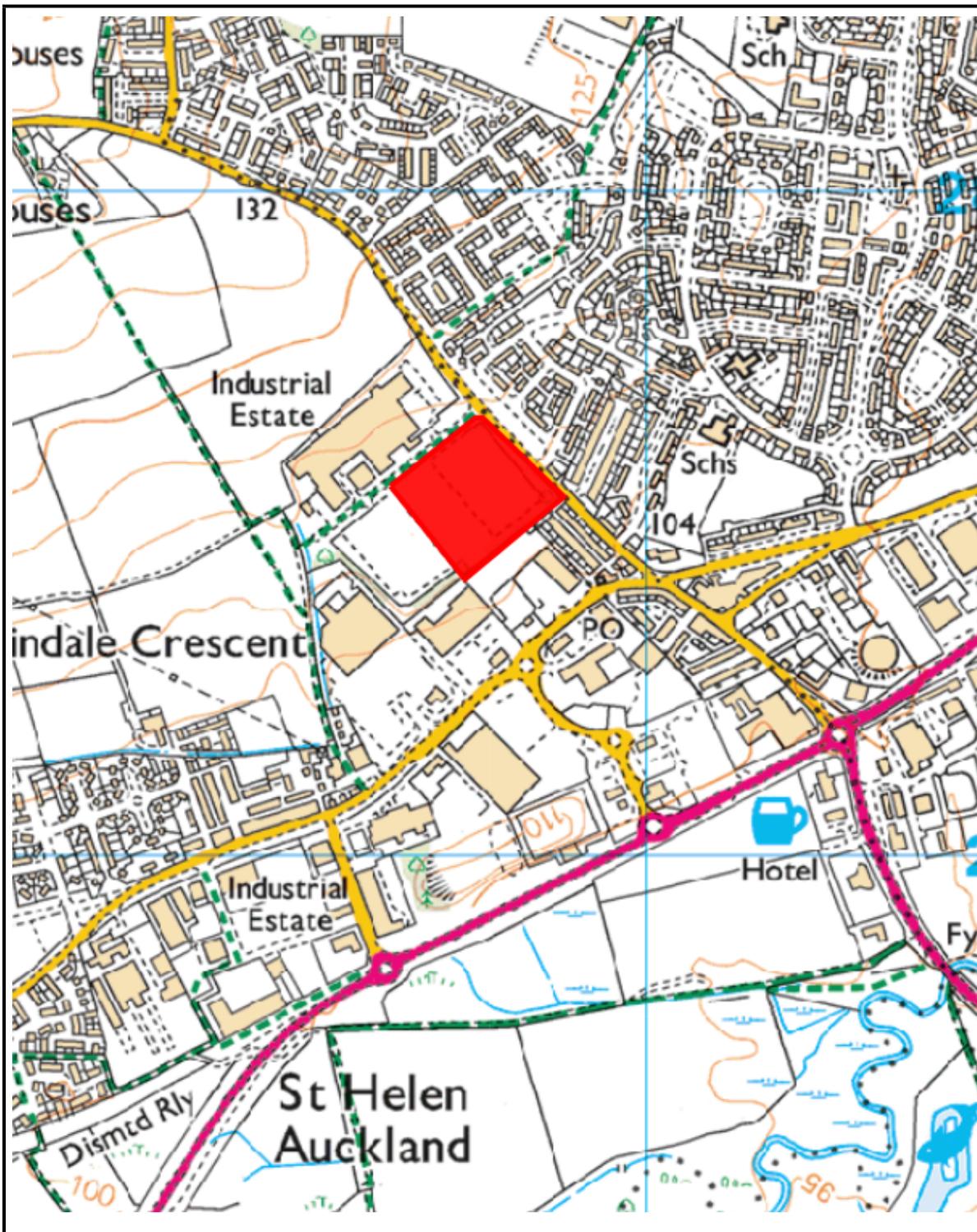
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework. 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/17/00244/OUT Outline planning application for 101 residential dwellings and means of access (all other matters reserved), Land at Catkin Way, Bishop Auckland, DL14 9AF

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Comments

Date December 2017

Scale Not to scale