

# Item 5

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2006/0443/DM APPLICATION DATE: 17 July 2006

PROPOSAL: **RESIDENTIAL DEVELOPMENT COMPRISING OF 52 NO. DWELLINGS**

LOCATION: **LAND EAST OF BARRATT WAY WEST CORNFORTH FERRYHILL CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Bett Homes (NE) Ltd  
Diamond Court, Kenton, Newcastle upon Tyne,

#### CONSULTATIONS

1. CORNFORTH P.C.
2. Cllr. A. Hodgson
3. Cllr. M. Predki
4. DCC (PLANNING)
5. DCC (TRAFFIC)
6. NORTHUMBRIAN WATER
7. ENGLISH NATURE
8. RAMBLER
9. ENV AGENCY
10. WILDLIFE TRUST
11. ENGINEERS
12. VALUER
13. Lee White
14. L.PLANS
15. DESIGN
16. LANDSCAPE ARCH
17. POLICE HQ
18. DCC (PROWS)
19. Network Rail
20. Countryside Team

#### NEIGHBOUR/INDUSTRIAL

The Green:42,44,46,48,43,45,47,44A,Chamelean House,Bria Way,The Old School House  
Bede Grove:2,8,7,6,5,4,3,2,1  
Barratt  
Way:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31  
Glebe Villas:24  
Oswald Close:11,12,21,22,23,24,1,2,3,4,11  
Self Build & Design  
Holy Trinity Church  
Balaclava Inn  
The Gables  
High Street:74  
Cuthbert Road:2,4,6,8,10,12

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#### BOROUGH PLANNING POLICIES

H8	Residential Frameworks for Larger Villages
H9	Housing Sites in Larger Villages
D1	General Principles for the Layout and Design of New Developments
D5	Layout of New Housing Development
L2	Provision of Open Space in New Housing Development
T7	Traffic Generated by New Development
L1	Provision of Open Space, including Standards
E17	Protection of Archaeological Remains

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#### THE PROPOSAL

This application as originally submitted, and accompanied by a Design and Access Statement, sought planning permission for the erection of 52 dwellings, associated infrastructure and landscaping on a 1.45 hectare site at land off Barratt Way, West Cornforth. Negotiations on the layout and design have resulted in a reduction in the number of dwellings to 47 in order to increase the amount of open space within the development site. The application site is adjacent to the Cornforth Conservation Area and is bounded to the north by a disused railway line, to the east and west by residential properties and to the south by an attractive stonewall with the cemetery beyond.

Vehicular access to the site is proposed off Barratt Way with pedestrian links via the existing public footpath that links through to the village centre. As the existing turning head would be deleted by the proposal it is proposed that 7 off site car parking spaces would be created in the vicinity of numbers 14 and 15 Barratt Way to compensate for the loss of an area used by local residents for parking.

#### CONSULTATION AND PUBLICITY

Cornforth Parish Council has no objections in principle to the proposal. Concerns have however been expressed about vehicle access to the site via Bede Grove, Oswald Close and Barratt Way, particularly during the development phase.

The Highway Authority has advised that Cuthbert Road at a width of 7.4 metres wide and with approximately 113 dwellings currently using it is capable of accommodating up to 300 dwellings. Bede Grove currently serves approximately 69 dwellings and Barratt Way serves approximately 24 dwellings. Both have a width of 5.5 metres and are considered capable of accommodating up to 300 dwellings. Therefore the analysis of the route from the site would confirm that the existing highway infrastructure could accommodate the increase in the number of dwellings that would result from this proposal. In terms of car parking the proposed provision is considered acceptable, subject to the completion of the off site parking.

The Borough Council's Engineering Services Team has no objections to the proposal.

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The Environmental Health Section has raised no objections but advised that issues such as contamination, noise from machinery and hours of operation should be addressed and this can be done by imposing relevant planning conditions.

Durham County Council Rights of Way Officer has advised that footpath number 7 Cornforth Parish would need to be diverted and that a temporary closure notice may be required during construction.

The Ramblers Association object to the development due to the impact on footpath number 7. The nature of the footpath would be radically changed to a sub-urban character and that the possibility of separating the path from the road and houses be examined or that the path be diverted around the periphery of the development.

Northumbrian Water has made a range of comments relating to drainage and sewerage, and these have been copied to the applicant.

The Environment Agency originally objected to the development as no Flood Risk Assessment had been submitted specifically to deal with surface water run off. The applicant was informed of this and submitted the relevant information. The Environment Agency therefore now raises no objection.

The County Council Policy Section has advised that Policy 3 of the Structure Plan should focus development in the main towns and Policy 9 also recognises that larger villages with a reasonable range of services and facilities are suitable for housing development. The number of dwellings proposed is a significant increase from that allocated and the Borough Council will need to come to a view whether such a significant increase in dwellings is acceptable. In terms of sustainability the Structure Plan contains a number of key sustainability policies and the application should demonstrate the accessibility of the proposal to jobs and services.

Natural England has advised that based on the information submitted the proposal is unlikely to have an adverse affect in respect of species especially protected by Law. A condition is recommended to ensure that the development is carried out in accordance with mitigation measures specified in the submitted ecological assessment.

The County Ecologist raised concern over the quality of the protected survey work in that the assessment took place on one day in the winter. As such it is requested that a thorough bat survey be carried out to Natural England. It is important to note however, that Natural England has not questioned the quality of the reports and that they are happy to accept all mitigation measures therein without further survey work being undertaken.

The County Archaeologist has considered the report submitted by the applicant and considers there to be a high potential for archaeological remains on the site. An appropriate condition has been recommended.

Network Rail have raised no objection in principle but advised that whilst the railway line to the north does not currently carry any rail traffic it remains operational land and could be brought into use at any time. As a result, it is important that the new development takes into account the relationship between the railway and the proposed development. The existing fence should not be altered or moved in any way and nothing should be put in place to prevent maintenance of the boundary fence.

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The Police Architectural Liaison Officer has offered comment on ways of crime prevention both external and internal to the developments. A copy of their letter has been forwarded to the applicant.

Site notices were erected, an advertisement placed in the local press and letters sent to neighbouring occupiers advising of the application. To date 14 letters and one petition containing 69 signatures have been received from Cornforth residents and their comments are set out in Appendix 1 of this report. However, the main points of concern are:

- Extra Traffic during building and completion of development with particular problems in winter.
- Where will children be able to play if the football/recreational area is lost.
- Expectation that there will be an increase in currently congested levels of traffic.
- Existing drainage problems will be exacerbated by the proposed development.
- Construction traffic will bring added hazards to children, noise, mess and disturbance.
- Expectation that there will be an increase in levels of traffic congestion, danger and accidents.

**PLANNING CONSIDERATIONS**

The main planning considerations in this case are as follows:

- Compliance with national planning policy and guidance and Local Plan policies.
- Affordable housing provision
- Design, layout and impact on residential amenity
- Provision of open space
- Impact on protected species

**Compliance with National Planning Policy and Guidance and Local Plan Policies.**

In assessing this application material considerations have been the submission draft Regional Spatial Strategy, Regional Planning Guidance 1, PPS1, PPG3, By Design - Urban design in the planning system: towards better practice, PPS3 (Consultation Draft) and Local Plan Policies H8 'Residential Frameworks for Larger Villages', Policy H9 'Housing Sites in Larger Villages' D1 'General Principles for the Layout and Design of New Developments', D5 'Layout of New Housing Development' and the CABE guidance 'Building for Life') in which the Government aims 'To promote more sustainable patterns of development and make better use of previously-developed land'.

It is considered that the application site performs well against paragraph 31 of PPG3 that provides the guidance which local planning authorities should use to assess a site's potential and suitability for housing development. All proposed housing sites should be assessed against each of the following criteria:

- The **availability of previously developed sites**;
- The **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;

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- The **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- The **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and
- The **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.

The Government has recently been consulting on Draft PPS3. This document will in due course replace the existing PPG3 and its associated documents, and will represent the Government's most up to date thinking on housing and as such is a material consideration in assessing planning applications.

Paragraph 13 of Draft PPS3 states that to be considered developable, a site should meet the following criteria:

- a) Available – the site is available now or is likely to become available for housing development and be capable of being developed within five years;
- b) Suitable – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- c) Viable – housing development is economically viable on the site.

It is considered that the given the location of the application site within the residential framework the development of this site is acceptable as it is in close proximity to local facilities and would represent a sustainable development. As such, when appraised against the principles of Draft PPS3 and criteria from paragraph 31 of PPG3, this location performs well.

In terms of how the proposal accords with the Submission Draft Regional Spatial Strategy (RSS) the proposal is considered to be in accordance with Policy 3 in that the development meets the sequential test in terms of prioritising sites for development. In this case the development, although a greenfield site, is in a sustainable location.

With regard to housing, The Strategy identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021 yet it in the mean time it is still necessary to provide land for housing to maintain a five-year supply of housing, as stipulated in Paragraph 12 of Draft PPS3. Currently the Borough has just under a six-year supply of housing thereby indicating that the development of this greenfield site within the settlement boundary is acceptable as it would contribute to continuing a continuous supply of housing.

The application site is located inside the residential framework of West Cornforth identified in Policy H8 'Residential Frameworks for Larger Villages' and is an allocated Greenfield site under Policy H9 'Housing Sites in Larger Villages' of the Borough Local Plan. As such development on this site is considered acceptable provided that there is no conflict with the provisions of the plan's environmental, open space or design policies. In this respect there is a strong presumption in favour of housing development on site.

Regional Planning Guidance Note 1 encourages renewable energy and energy efficiency, and the more recently emerging Regional Spatial Strategy requires 10% embedded renewable energy in major new development. The Council's sale conditions for the land were formulated quite some time ago however, and the proposal has been designed around that framework. Whilst it would not be reasonable to insist on the 10% provision at this advanced stage, the

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dwellings would be constructed to current Building Regulations standards in respect of energy efficiency.

#### **Affordable Housing Provision**

It is considered that having assessed the land registry data for residential property prices within West Cornforth over the last three years it is apparent that there is not currently an affordability issue within the village. It is therefore not necessary to request for an element of affordable homes within this scheme.

#### **Design, layout and impact on residential amenity**

As with all large housing developments it is essential that a high quality scheme both in terms of layout and architectural quality is achieved. In terms of the design and layout of the scheme the proposal must not only comply with the design policies, specifically policies D1 'General Principles for the Layout and Design of New Developments' and D5 'Layout of New Housing Development' contained within the local plan but also the new CABI guidance recently endorsed by the Council. CABI is the government advisor on architecture, urban design and public space and some of their recent reports demonstrate that a significant number of new housing developments in the North of England are failing to deliver higher design quality in new developments.

In order to promote a higher quality of design Management Team has endorsed the CABI and Home Builders Federation 'Building for Life' standard in order to seek higher design standards and good place making in residential developments. The 'Building for Life' standard asks a series of 20 questions for developers to answer to show how they will deliver high quality residential schemes. The standard identifies that schemes do not need to answer all 20 questions but that it will be used to assess overall design quality and allow the Local Planning Authority to negotiate with developers to ensure that high quality design is secured and poor quality design is rejected.

In this instance the proposed development features a range of well-designed house types arranged around a central green area and two smaller areas of open space, and should exhibit a distinctive character when completed. The extension of roads and footways into the development is logical and would feature traffic calming surfaces. The site is located close to bus stops that provide access to several regional major centres, and is within easy walking distance of shops, food and drink establishments, and schools. Inappropriate house design, such as three storey types have been negotiated out of the scheme.

The Highway Authority is satisfied with access arrangements both within, and outside the application site, and the latest amended plan incorporates a radius improvement at their request. In view of local concerns about additional traffic on Barratt Way and associated highway congestion issues, the developer has proposed to replace the existing turning head adjacent to the site entrance with a 7 space car park. This work would be carried out by the Highway Authority and financed by the applicant. It would however be important to ensure that the car park is constructed before completion of the development, and that until such time, the turning head is retained and kept available for use by drivers.

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In terms of landscaping and open space provision it is proposed to create areas of public open space and plant many of the boundaries with hedging that will contribute to creating a distinctive interesting layout.

In terms of overlooking to existing properties proposed sections were submitted with the application that indicated existing and proposed levels. There were slight concerns about a proposed three-storey block because of the small difference in level between the application site and existing properties in Station Road, but the house types have been changed and the dwellings are now two-storey. It is not now considered that there would be any loss of privacy.

#### **Open Space, Play Equipment and Maintenance**

In housing developments of more than 10 houses Local Plan Policy L2 seeks to secure the provision of approximately 60m<sup>2</sup> of open space per dwelling and a contribution towards the provision of new or improved equipped play areas. If no open space can be provided within or adjacent to a residential development, the Borough Council has previously accepted a contribution towards off site play provision and/or environmental improvement works in the form of a commuted sum through a Section 106 agreement. Following negotiations, the scheme has been reduced from 52 to 47 dwellings in order to increase the amount of open space within the development site from the original submission to a maximum of 1057 square metres. In this instance, up to 2820m<sup>2</sup> of open space would normally be required, and the actual provision therefore equates to about 37.5%, and it would be reasonable to require a commuted sum payment calculated on the shortfall. This would amount to 29 units at £700 (total £20,300).

Maintenance costs should be calculated for the open space provision, at a rate of £35 x 15 (years) x 47 (dwellings) (total £24,675).

The provision of play equipment would be costed on the basis of 2.5m<sup>2</sup> per resident (average 2.3 residents per dwelling) resulting in a requirement for 270m<sup>2</sup> at £20 per 1m<sup>2</sup> plus 10% maintenance (total £5945).

Due to the land being Council owned a direct commuted sum payment would not be paid by the developer through a Section 106 agreement however, in order to ensure that monies for off site play provision and/or environmental improvement works is achieved, as it would be for any development of 10 houses or more, the sum of £50,920 would be ring fenced from the capital receipt should permission be granted. This money would be held until such time as a suitable scheme was identified. The monetary contribution would be used to benefit not only the future residents of the proposed development but also the wider community of West Cornforth.

#### **Impact on Protected Species**

As part of the application the applicant was asked to submit an Ecological report to assess the impact of the development on protected species. A report has been submitted and the views of Natural England have been sought. Natural England have responded to state that they have no objection to the proposal in relation to species specifically protected by law subject to a condition being imposed that ensures the development is carried out in accordance with the mitigation elements of the ecological assessment and tree survey. The County Ecologist considers however that the reports do not adequately deal with the issue of bats, and that a separate more detailed survey should be carried out.

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#### **Archaeology**

An archaeological and cultural heritage assessment has been carried out by the applicants. The report concludes that further investigation is needed due to the potential for archaeological remains on the site, and the County Archaeologist has recommended the imposition of a planning condition.

#### **Impact upon Public Footpath No.7**

It is clear that the existing public footpath will need to be temporarily closed and formal procedures followed for diversion. Despite objections from the Ramblers Association, it is considered that incorporating the right of way through the heart of the development is the most appropriate and safest method of maintaining public access from Barratt Way to The Green. Indeed, the present secluded and unlit character of the footpath is probably a deterrent to use, particularly during dark hours.

#### CONCLUSION

It is considered that the development meets the requirements of PPG3 in terms of layout, design, density and car parking but also reflects the character and setting of existing development in the surrounding area. The developers have responded to the CABE criteria and this has resulted in a scheme that has been individually designed for the site and which has regard to its setting and surroundings. The design of the development and buildings, including the creation of an area of public open space helps the development to have a specific character. The amount of open space within the site falls short of the level required by Policy L2 of the Borough Local Plan, but it has been increased significantly from the original submission, and the existence of other accessible open spaces in the locality offsets the need to provide yet more within the development site in this instance. The off-site car park would compensate for the loss of the turning head, which is presently used by local residents for parking, and should be sufficient improvement given that most dwellings in Barratt Way have an off-street parking space to the front.

#### SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

#### RECOMMENDATION

**It is recommended that planning permission be granted subject to the following conditions.**



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1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans:

Detailed Site Layout (Drg No pod-b-007-02-19) received on 28th November 2006.

Double Garage Detail (Drg No STD/DGG/01/ Rev A) received on 17th November 2006.

Single Garage Detail (Drg No STD/SD1/MK2 rev B) received on 17th November 2006.

House Type plans, elevations and sections received on 17th November 2006.

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. No dwelling houses shall be occupied unless they are served by an access that has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure the dwelling houses hereby approved are served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

5. Notwithstanding the provisions of Class A,B,C,D,E,F,G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of visual and residential amenity, and to comply with Policy D5 (Layout of New Housing Development), Policy H15 (Extensions to Dwellings) and Policy H16 (Extension to the Front of Dwellings), of the Sedgefield Borough Local Plan.

6. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

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7. No diesel powered plant or equipment shall be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at other times other than between the hours of 8.00am and 6.30pm and no building, packing or other materials shall be allowed to blow off the site. No fires shall be burned within 100 metres of occupied dwellings.

Reason: In order to protect the amenities of the occupiers of nearby premises.

8. No development shall take place otherwise than in accordance with the mitigation measures detailed within Section 5 of the ecological assessment (An Ecological Assessment of Land off Barratt Way, West Cornforth - AJT Environmental Consultants, March 2006) and Sections 3.6 and 4.3 of the tree survey (Tree Survey at Land off Barratt Way, West Cornforth - AJT Environmental Consultants, March 2006) including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance.

Reason: To conserve protected species and their habitat and to comply with Policies E14 (Safeguarding Plant and Animal Species Protected by Law) and E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

9. No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works to include evaluation and, where appropriate, mitigation and publication of the results, in accordance with a written scheme of investigation that has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is in an area of high archaeological potential and in order to comply with Policy E17 (Protection of Archaeological Remains) of the Sedgefield Borough Local Plan.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

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others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation. Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

13. No works to trees, including topping, lopping and pruning and felling shall take place until a Landscape Management Plan and Strategy has been agreed with the Local Planning Authority and any such works shall not take place without the prior approval of the Local Planning Authority.

Reason: To ensure that the Landscape quality of the site is preserved and enhanced and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

14. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

15. No development approved by this permission shall be commenced until:

a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: -

- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and- - refinement of the Conceptual Model, and- the development of a Method Statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.

16. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

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17. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

18. No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.

Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

Reason: In the interests of safeguarding the visual amenity of the residential area

20. Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.

Reason: In order to protect the amenity of nearby residents during the construction of the development and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

21. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.

Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

22. The 7no. space car park adjacent to the site entrance and identified in the site layout plan (drawing no. pod-b-007-02-19) hereby approved shall be constructed before completion and final residential occupation of the development, in accordance with details to be submitted in writing to, and approved by the Local Planning Authority beforehand. Until such time as the car park is constructed, the existing turning head adjacent to the entrance to the application site shall be retained and kept free of any vehicles, materials and other items associated with the development hereby approved in order to ensure its availability to road users.

Reason: In order to secure the provision of off-site car parking in lieu of the loss of an existing turning head and to maintain adequate traffic circulation in Barratt Way in accordance with Policy T7 (Traffic Generated by New Developments) of the Sedgefield Borough Local Plan.

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#### **INFORMATIVE: REASONS FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, and visual and residential amenity of the area, and will provide for a modern sustainable housing development.

#### **INFORMATIVE: RELEVANT LOCAL PLAN POLICIES**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H9 Housing Sites in Larger Villages

T7 Traffic Generated by New Development

L1 Provision of Open Space, including Standards

L2 Provision of Open Space in New Housing Development

D1 General Principles for the Layout and Design of New Developments

D5 Layout of New Housing Development

E17 Protection of Archaeological Remains

Supplementary Planning Guidance Notes:

SPG3 Layout of New Housing.

SPG7 Open Space

SPG8 Landscaping

SPG9 Conservation of Energy

SPG10 Crime prevention and personal Security

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**APPENDIX 1**

**Objections**

**9 Barratt Way**

- Concern over increased traffic associated with an additional vehicles associated with the proposal.
- Not enough car parking facilities.
- Access will be too narrow for the proposed development.
- Existing drainage problems will be exacerbated by the proposed development.

**34 The Green**

- Respondent states that a strip of land sold by agreement as a right of way by Sedgfield BC has been absorbed into the development.
- Contends that the developer is given latitude for getting planning permission than the respondent.
- Suggests that small bushes replace large trees at bottom right hand corner of development.
- Extra traffic will lead to increased danger on main road facing development particularly near the school during it's opening/closing times.

**48 The Green**

- Loss of Privacy.
- Possible encroachment on to property boundary as a result of close proximity of development.

**Joint representation 1 & 2 Bede Grove**

Bede Grove will be adversely affected by extra traffic and other factors for a number of reasons as it is part of a through route to the only access to the development:

- It is already congested with vehicles from carers, medical staff and friends of elderly residents.
- Extra traffic including vehicles involved in the construction of the development will increase the risks of accidents/danger particularly when snow or icy conditions prevail.
- Inadequate parking provision for extra vehicles arising from proposal.
- The extra traffic will pose an increased risk of danger and harm to playing children in the vicinity.
- Bede Grove is inadequate as part of through route to the development for extra volumes of traffic.
- Questions where children will be able to play if the football/recreational area is lost.
- Children may cause disturbance to elderly residents if football/recreational area is lost.
- Children may be at increased risk of danger playing in roadside if football/recreational area is lost.

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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- Increase of noise dust and disturbance during construction of the development.
- Existing drainage problems will be exacerbated by the proposed development.

#### 1 Bede Grove

Objects to the flaws of the single access/exit road and loss of privacy- specific issues listed were:

- Expectation that there will be an increase in levels of traffic congestion, danger and accidents.
- Existing road width though to be inadequate for increase in number of vehicles using site.
- Existing road often blocked by HGV's, Delivery vans and ambulances.
- Existing problems for vehicles going up bank in winter conditions will become worse.
- Site construction vehicles will use only post office end of high street due to weight restrictions.
- Damage will arise to road and drains from site construction vehicles that would ultimately be funded through Council Tax.
- Difficult parking in Oswald Close & Barratt Way made worse by expected 100 plus extra vehicles.
- Decrease in traffic flow and more parking congestion on Cuthbert Road during school pick up and drop off times.
- Increase in street noise from extra vehicles for those living/sleeping in bungalows.
- Pollution affecting items on washing lines, residents' health and leading to increased dirt on roads.

#### 2 Bede Grove

- Petition enclosed - 59 Signatures - some signatories have also sent separate letters of objection.
- Contests the conclusions of a letter said to have been received from Durham CC Highways which the objector states as indicating that the development meets government guidelines and legal requirements.
- States on behalf of those signing the petition that 100 + extra vehicles would lead to increased danger from the single available access/exit road at several locations:
  - Top of Bede Grove / Oswald Close / Cuthbert Road junction.
  - Cuthbert Road / High Street Junction
- Decrease in traffic flow and more parking congestion on Cuthbert Road during school pick up and drop off times.
- Difficulty maintaining adequate safe parking with expected extra traffic using Bede Grove / Oswald Close / Cuthbert Road – claims there are already traffic obstruction problems along these roads.

The objector also provides a list of perceived Highway safety issues:

- Extra Traffic during building and completion of development with particular problems in winter.
- Not enough Car parking facilities with resulting difficulties at School opening/closing times especially at Bede Grove / Oswald Close.
- Extra Traffic Noise

## SEDGEFIELD BOROUGH COUNCIL

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- Extra Plant & Builders machinery noise.
- Highway damage due to heavy Plant/machinery.
- Existing drainage problems exacerbated.
- Pollution affecting items on washing lines, residents' health and leading to increased dirt on roads.
- Loss of privacy.
- Loss of amenities in particular a football field and play area.
- Under capacity of schools and health centre when development is complete.

#### Joint representation - 2 Oswald Close, 74 High Street, 24 Glebe Villas & 15 Barratt Way

- Access will be too narrow for the proposed development.
- Questions where children will be able to play if the play area is lost.
- Highlights that main access already has a high number of children playing on the street.
- Existing problems for vehicles going up bank in winter conditions will be made worse.
- Problems with site construction vehicles.
- Existing traffic obstruction problems along bank & other locations will be made worse.
- Asks why a brown field site can't be used ("The old Scrap Yard").
- Expectation of increase in accidents with more vehicles using site.
- Loss of ability to let dogs roam free without leads.
- Expectation that there will be an increase in currently congested levels of traffic.
- Construction traffic will bring added hazards to children, noise, mess and disturbance.
- Removal of lawn for Car parking (15 Barratt Way)
- Questions need for the number of properties in the development.
- Respondent from 74 High Street says that they do not object in principle to a residential development but have serious concerns about access in this proposal.
- Respondent from 74 High Street alleges that a Borough Councillor said in a Public House that the development "was a done deal" and referred to residents opposing the development as "Luddites"

#### 1 Oswald Close

- Highlights narrow existing access to Barratt Way is narrow with a high number of children playing on the street.
- Questions where children will be able to play if the football field and play area is lost.
- Existing problems for vehicles going up bank in winter conditions will be made worse.

#### 11 Oswald Close 1<sup>st</sup> response

- Expectation that there will be an increase in currently congested levels of traffic.
- Existing drainage problems will be exacerbated by the proposed development.
- Removal of only existing football field and play area for local children.
- Existing problems for vehicles going up bank in winter conditions will be made worse.

#### 11 Oswald Close 2<sup>nd</sup> response

- Expectation of increase in accidents with vehicles using site.



## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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- Questions need for the development citing difficulties in selling houses on Stobbs Cross Road site.
- Asks why a brown field site can't be used (Verdun Terrace & Coronation Terrace).

#### The Studio, Sylvan Vista, Brancepeth Village

- Request for re-siting of trees that would affect a proposed adjacent dwelling (on behalf of client).

#### 2 Oswald Close

- Loss of a pleasant amenity and play area.
- Would add to existing highway safety concerns.
- Asks why the former scrapyard site could not be used instead.

#### 24 Glebe Villas

- Loss of a pleasant amenity and play area
- Would add to existing highway safety concerns
- Asks why an alternative site could not be used

#### 15 Barratt Way

- Existing access road is not suitable for increased traffic.
- Loss of amenity space and play area.
- The proposed new parking spaces on Barratt Way would result in the loss of part of an existing grassed area.

#### 74 High Street

- Considers the number of dwellings to be excessive
- Access from High Street is a minor road without highway markings
- Increased traffic would add to existing highway safety problems
- The existing roads are unsuitable for construction traffic
- There would be increased noise levels during and after construction

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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2. 7/2006/0521/DM APPLICATION DATE: 14 August 2006

PROPOSAL: **ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED MEANS OF ACCESS**

LOCATION: **ROSE STREET TRIMDON GRANGE TRIMDON STATION TS296EH**

APPLICATION TYPE: Outline Application

APPLICANT: George Wimpey  
Lockhead Court, Preston Farm Industrial Estate, Stockton on Tees,

**CONSULTATIONS**

1. TRIMDON P.C.
2. Cllr. Mrs L. Hovvels
3. DCC (PLANNING)
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. BUILDING CONTROL
7. ENV AGENCY
8. ENGINEERS
9. ENV. HEALTH
10. L.PLANS
11. ECONOMIC DEV
12. LANDSCAPE ARCH
13. POLICE HQ
14. DCC (PROWS)
15. ENGLISH NATURE
16. WILDLIFE TRUST
17. Countryside Team

**NEIGHBOUR/INDUSTRIAL**

Cooperative Terrace:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20  
S W Steel Crafts Ltd  
Volante PTIS Ltd  
Ennefar  
Hurworth Burn House Home  
Hurworth Burn House Nursing Home  
Galbraith Terrace:10,9,8,7,6,5,4,3,2,1  
Methodist Church  
Quarry Garage  
MK Motors  
The Welsh Harp  
Dovecote Inn

## SEDFIELD BOROUGH COUNCIL

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#### BOROUGH PLANNING POLICIES

H8	Residential Frameworks for Larger Villages
T6	Improvements in Road Safety
T7	Traffic Generated by New Development
L1	Provision of Open Space, including Standards
L2	Provision of Open Space in New Housing Development
D1	General Principles for the Layout and Design of New Developments
D2	Design for People
D3	Design for Access
D5	Layout of New Housing Development
D11	Location of Pollution Sensitive Developments
D12	Provision of Sewage Treatment
D13	Development Affecting Watercourses

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#### THE PROPOSAL

This application seeks outline permission for residential development and means of access with details relating to siting of buildings, design and external appearance and landscaping reserved for submission at a later date. The site area is approximately 1.58 hectares. Accompanying the application is a Supporting Statement and Summary of Community Consultation. The applicant has also submitted an indicative layout that indicates how the site would be accessed and may be developed.



The layout indicates a variety of detached, semi-detached and terraced dwellings, the majority of which would be arranged around a 'T' shaped roadway leading from Rose Street. Eight dwellings are shown fronting onto, and directly accessed from Rose Street, which presently

## **SEDFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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serves the predominantly commercial/industrial use of the land. All dwellings would have good standards of amenity, including well-proportioned rear gardens. It is indicated that all dwellings would have off-street parking.

The application site is an existing brownfield site and contains a mix of light industrial units and for many years has been occupied by Kemp Plant hire. The site, although on rising ground, is well screened by surrounding screen planting.

#### **CONSULTATION AND PUBLICITY RESPONSES**

Trimdon Parish Council has not objected to the proposal, but has asked whether planning permission would be granted on the basis of a legal agreement and, if so, how this would benefit the community.

The County Engineer has advised that the existing junction of Rose Street onto the B1278 Salters Lane, the road width of Rose Street and visibility splays are acceptable. A formal 1.8m footway to adoption standard will need to be provided adjacent to the northern edge of the carriageway to Rose Street. The footway will need to continue along the frontage of the Methodist Chapel and the car repair works.

Durham County Council Policy Section has advised that the application site lies outside the existing built framework of Trimdon Grange and is not allocated in the adopted Sedgfield Borough Local Plan for employment related development. The Structure Plan recognises the importance of small industrial sites to meet local employment needs and paragraph 9.16 of the Structure Plan states that making the best use of existing sites reduces the need for new allocations in accordance with the principles of sustainability. While Trimdon Grange is identified in principle as a suitable location for new housing development, the application site is currently being used for industrial uses. Provided that the Borough Council are satisfied that the site is not required for long term employment uses the proposal accords with Policy 9 of the Structure Plan.

The Borough Council's Forward Planning Team has concluded that whilst there would normally be a presumption against a proposal outside the settlement envelope, the following summarised material considerations override that presumption in this instance:

- The proposal represents a sustainable urban extension that performs well against PPG3
- The proposal would contribute towards the national target that by 2008, at least 60% of additional housing should be provided on Brownfield land
- Additional housing will help sustain existing shops, services and facilities within Trimdon Grange

It is also recommended that 20% of any development should be affordable housing.

The Environment Agency has advised that surface water run-off from the existing site is likely to drain into the headwaters of the River Skerne, which is prone to flooding. Therefore surface water discharged from the redevelopment should be flow regulated so as not to exacerbate flooding problems elsewhere in the catchment. Several conditions are recommended regarding surface water regulation system and contaminated land.

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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The Environmental Health Section has raised no objections but suggested several conditions in respect of hours of construction, no burning of materials, the control of dust on the site and contamination.

Northumbria Water has offered no objections, and has offered several comments and contact numbers in respect of water supply, drainage and sewage matters. These comments have been forwarded to the applicant for information.

Natural England (formerly English Nature) has considered the submitted Phase 1 ecological survey and reports and has concluded that the proposal is unlikely to have an adverse effect upon species protected by law, subject to the imposition of a condition requiring adherence to specific mitigation measures set out in that report.

Durham Wildlife Trust has not responded to the consultation exercise.

The Police Architectural Liaison Officer has offered comments on reducing crime both internally and externally. A copy of the comments have been forwarded to the applicant for consideration.

Site notices were erected, an advertisement placed in the local press and letters sent to neighbouring occupiers advising of the application. One letter has been received requesting details of the proposed access.

#### **PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

- Compliance with National Planning Policy and Guidance and Local Plan Policies.
- Provision of Affordable Housing
- Impact on Ecology

#### **Compliance with National Planning Policy and Guidance and Local Plan Policies**

The site that is subject to this planning application is located outside of Trimdon Grange's residential framework identified in Policy H8 'Residential Frameworks for Larger Villages'. It is currently occupied by industrial/business users, however the land is not formally designated for such purposes. Government guidance in Planning Policy Guidance Note 3 'Housing' promotes the reuse of 'Brownfield' or previously developed land for new housing development and indicates that new housing development should respect other principles of sustainable development, particularly that new housing development should take place in locations accessible to jobs, shops and services by various modes of transport; that the development is well related to existing and potential infrastructure, including public transport; and that new development respects other physical and environmental constraints on the development of land.

It is considered that the application site performs well against paragraph 31 of PPG3 that provides the guidance which local planning authorities should use to assess a site's potential and suitability for housing development. All proposed housing sites should be assessed against each of the following criteria:

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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- The **availability of previously developed sites**;
- The **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- The **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- The **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and
- The **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.

The Government has recently been consulting on Draft PPS3. This document will in due course replace the existing PPG3 and its associated documents, and will represent the Government's most up to date thinking on housing and as such is a material consideration in assessing planning applications.

Paragraph 13 of Draft PPS3 states that to be considered developable, a site should meet the following criteria:

- a) Available – the site is available now or is likely to become available for housing development and be capable of being developed within five years;
- b) Suitable – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- c) Viable – housing development is economically viable on the site.

Whilst Parts **(a)** and **(c)** are likely to be easily satisfied, it is considered that housing on this site also complies with **Section (b)** because:

- o The site is Brownfield land, and when appraised against the criteria from paragraph 31 of PPG3, it is considered that as a location it does not perform so poorly so as to preclude its appropriateness for housing before a Greenfield site;
- o The scheme would represent a sustainable urban extension to the village.

The location of the application site although outside the residential framework the development of the village is acceptable as it is in close proximity to local facilities and would represent a sustainable urban extension as the proposal would result in housing occupying land that is immediately to the north of Trimdon Grange. As such, when appraised against the principles of Draft PPS3 and criteria from paragraph 31 of PPG3, this location performs well.

The proposed development would help meet the housing requirements of Trimdon Grange and the wider Borough and will widen the housing choice within this community. There is currently insufficient availability of previously-developed sites in the Borough which necessitates that sites such as this one should be developed before Greenfield sites; the proposal is easily accessible and near to public transport nodes; and, it will be an efficient use of land. The proposal site is previously-developed land and its development for housing would appear to offer regeneration benefits for Trimdon Grange in terms of diversifying the housing market, and providing additional choice to retain the existing population.

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In terms of how the proposal accords with the Submission Draft Regional Spatial Strategy (RSS) the proposal is considered to be in accordance with Policy 3 in that the development meets the sequential test in terms of prioritising sites for development. In this case the development of this Brownfield site is in a sustainable location.

With regard to housing, the Strategy identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021 yet it in the mean time it is still necessary to provide land for housing to maintain a five-year supply of housing, as stipulated in Paragraph 12 of Draft PPS3. Although the Borough currently has just over a nine year supply of housing it is considered that the release of a Brownfield site beyond the residential framework is acceptable.

It should also be noted that the Council is due to undertake a review of employment land to determine if land is no longer needed for employment purposes before it is contemplated for other uses in Autumn this year. However, if the Borough were to identify a surplus of industrial land, it is considered that when looking for previously-developed industrial sites to meet the need for housing, it is better that industrial sites in sustainable locations are developed before general or prestige employment areas.

#### **Provision of Affordable Housing**

In the draft PPS 3 affordable dwellings are defined as either social rented dwellings or intermediary dwellings e.g. shared equity and therefore if a need can be demonstrated the applicant should provide a combination of the two affordable housing tenure types on the site the proportion of which would require further debate.

The need for affordable housing is determined by assessing the following:

- Housing Needs Survey
- House Price Data
- Household Incomes
- Housing Waiting Lists
- Housing Provision surrounding site

The last complete Housing Needs Survey was produced in 2003. This identified that there was a shortfall in affordable stock in 2-bed flats, 2-bed bungalows, 1-bed houses and 3-bed houses in the Sedgefield/Trimdons sub-area. To overcome the shortfall in affordable housing provision a minimum of 20% affordable provision should be sought.

In terms of house price data over the period since the questionnaire on the Housing Needs Survey in 2002, the house prices within the specific Trimdon postcode area TS29 6 have risen significantly.

TS29 6	Detached	Semi-Detached	Terraced	Flat	Overall
Jan – March 2002	£113,068	£49,811	£33,357	-	£64,844
	61.55%	72.12%	89.21%	-	34.70%
Jan – March 2006	£182,666	£85,733	£63,115	-	£87,348

Table showing % changes in prices for the period Apr-Jun 2002 to Apr-Jun 2006 inclusive.

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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The Housing Needs Desktop Update that was carried out in 2005 identifies that household income has increased by 7.6% between 2003 and 2005. This figure applies to the Borough and it cannot be broken down into sub-areas. This research identifies that 49.1% of the Borough's households have an income level below £16,140. Even more important is the information for concealed households. The data states that 67% of these concealed households have an income level below £16,140. The primary reason for concealed households is the fact that they cannot gain access to the private housing market.

It is clear from the up-to-date housing data from the Land Registry that the concealed households would not be able to enter the private sector housing market, even at entry terraced level (assuming a mortgage of 3 times income).

The Housing Department have also provided information regarding the demand and supply of Council-owned houses and bungalows in Trimdon. This suggests that there is a demand for 1 & 2-bed bungalows and 2, 3 & 4-bed houses. A brief comparison of the two would suggest that 2-bed bungalows and 3 & 4-bed houses have the greatest mismatch of demand and supply.

It is considered that the evidence clearly demonstrates that there is a need for the provision of affordable housing, comprised of a mixture of social rented and shared equity/ownership dwellings and of a type that would address the overall housing needs and waiting lists.

#### **Impact on Ecology**

Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'. In this case the applicants have carried out a Phase 1 habitat survey, and identified the badger, bat and water vole as species for individual investigation. The surveys concluded that neither badgers nor water voles would be affected by the development. The bat survey has recommended mitigation measures that satisfy the requirements of Natural England, provided an appropriate condition is attached to any planning permission granted.

#### **Energy**

The application makes no reference to the inclusion of embedded renewable energy generation nor does it demonstrate how the development would assist in reducing energy consumption. This is not in the spirit of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. The emerging RSS goes a step further by requiring the incorporation of 10% embedded renewable energy in major new development.

This proposal would therefore benefit from the incorporation of energy efficiency measures and embedded renewable energy generation and this could be achieved by imposition of an appropriate condition.



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**CONCLUSION**

Whilst the application site lies just outside the existing settlement boundary, its development for housing would, for the reasons set out above, represent a sustainable urban extension when considered against the main provisions of PPG3. The proposal would have the added benefits of sustaining existing shops and services within Trimdon Grange, and contributing towards the national target of at least 60% of new housing development being on brownfield sites by 2008. It is also considered that the proposal would help to consolidate the village to the north, and significantly improve the visual amenity of the locality. Rose Street has historically exhibited poor visual qualities through indiscriminate outside storage of materials and the general poor quality of buildings. The opportunity here for environmental improvement is significant. These material considerations are considered to outweigh the normal presumption against development outside the settlement envelope under Policy H8 of the Sedgefield Borough Local Plan.

Assessment of open space provision is difficult with outline applications. However, the indicative site layout plan does not indicate that there would be any communal open / play space within the site. The peripheral location of the site places it at some distance from the nearest open space / play facilities and it is therefore essential to provide an appropriate element within any finally approved layout. It is proposed that the provision of open space and play equipment ought to be subject of a condition, with future maintenance by way of a management plan required under a Section 106 agreement.

It is considered that it will be necessary to deal with the following matters by way of a Section 106 agreement; provision of affordable housing, management and maintenance of open space, a design code for the development, and the provision of a footpath along Rose Street.

Finally, should Members be minded to grant planning permission for the development the application will need to be referred to the Government Office for the North East (GONE) as approval would constitute a major departure from the Development Plan. The notification requirements provide GONE an opportunity to check general compliance with the guidance set out in PPG3 and to consider whether the application should be called in for determination.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**HUMAN RIGHTS IMPLICATIONS**

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

**RECOMMENDATION: It is recommended that:**

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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1. The application is approved subject to the conditions set out in Appendix 1 to this report.
  
2. The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers the various elements of planning gain the heads of terms, which are set out in Appendix 2 to this report.

(This recommendation is made in the knowledge that the application would need to be referred to the Secretary of State if Committee were minded to approve the proposed development, subject to the Section 106 Agreement, who would be given a period of 21 days in which to decide whether the application needed to be 'called in' for determination.

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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**APPENDIX 1**

**LIST OF PROPOSED CONDITIONS**

**Outline Planning Application (Ref No. 7/2006/0521/DM).**

**Residential Development with Associated Access at Rose Street, Trimdon Grange**

<b>1</b>	<p><b>Reserved Matters</b> Approval of the details of the siting, design and external appearance of the buildings and landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.</p> <p>Reason: Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
<b>2</b>	<p><b>Reserved Matters</b> Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.</p> <p>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
<b>3</b>	<p><b>Means of access</b> No dwellinghouse shall be occupied unless they are served by an access, which has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To ensure the dwellinghouses hereby approved are served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgfield Borough Local Plan.</p>
<b>4</b>	<p><b>Landscaping details</b> No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.</p>
<b>5</b>	<p><b>Landscaping implementation</b> The approved scheme of landscaping shall be carried out in accordance with the approved plans and shall be completed as set out in the phasing scheme required under the terms of the associated Section 106 Agreement and the date of practical</p>

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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	<p>completion shall be supplied in writing to the Local planning Authority within seven days of that date.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
6	<p><b>Landscaping maintenance</b></p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
7	<p><b>Landscape Management Plan</b></p> <p>No works to trees, including topping, lopping and pruning and felling shall take place until a Landscape Management Plan and Strategy has been agreed with the Local Planning Authority and any such works shall not take place without the prior approval of the Local Planning Authority.</p> <p>Reason: To ensure that the Landscape quality of the site is preserved and enhanced and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
8	<p><b>Housing Provision</b></p> <p>The development hereby permitted shall provide a range and mix of house types ranging between one to four bedroomed properties.</p> <p>Reason: To ensure local housing needs are addressed.</p>
9	<p><b>Open Space Provision</b></p> <p>No development shall take place until a scheme for the provision of formal and informal open space, together with play facilities, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in accordance with timescales to be agreed in writing with the local planning authority.</p> <p>Reason: In the interests of residential amenity and to provide for open space and play facilities in accordance with Policy L2 of the Sedgefield Borough Local Plan.</p>
10	<p><b>Control of Noise and Other Environmental Pollution</b></p> <p>No diesel powered plant or equipment shall be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at other times other than between the hours of 8.00am and 6.30pm and no building, packing or other materials shall be allowed to blow off the site. No fires shall be burned within 100 metres of occupied dwellings.</p> <p>Reason: In order to protect the amenities of the occupiers of nearby premises.</p>

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11	<p><b>Ecological Mitigation measures</b></p> <p>No development shall take place unless in accordance with the mitigation detailed within Sections E1 – E10 of the bat survey report (<i>Ecological Surveys: Rose Street, Trimdon Grange, County Durham by Barrett Environmental Ltd, October 2006, Bat report</i>) including, but not restricted to obtaining a DEFRA licence; adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods; provision of a bat loft(s).</p> <p>Reason: To conserve protected species and their habitat and to comply with Policy E14 (Protection of Wildlife) of the Sedgfield Borough Local Plan.</p>
12	<p><b>Protection of trees</b></p> <p>All trees and hedges to be retained shall be properly fenced off from those parts of the site to be demolished or redeveloped and shall not be removed without prior approval of the Local Planning Authority. Details of the type and positioning of the fencing shall be submitted and approved by the Local Planning Authority prior to the development of demolition commencing.</p> <p>Reason: To enable the Local Planning Authority to ensure that existing natural features on the site are protected and retained in the interests of the visual amenity of the site and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.</p>
13	<p><b>Surface water run-off</b></p> <p>No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgfield Borough Local Plan.</p>
14	<p><b>Contamination</b></p> <p>No development approved by this permission shall be commenced until:</p> <p>a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.</p> <p>b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:</p> <ul style="list-style-type: none"><li>- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and</li><li>- refinement of the Conceptual Model, and</li><li>- the development of a Method Statement detailing the remediation requirements</li></ul>

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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	<p>c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.</p> <p>d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.</p> <p>Reason: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.</p>
15	<p><b>Contamination</b></p> <p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.</p>
16	<p><b>Remediation</b></p> <p>Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.</p> <p>Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.</p>
17	<p><b>Levels, existing and proposed</b></p> <p>No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.</p> <p>Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan</p>
18	<p><b>Means of enclosure</b></p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p> <p>Reason: In the interests of safeguarding the visual amenity of the residential area</p>

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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19	<p><b>Noise</b></p> <p>The development layout and building envelopes of the dwellings shall be designed and constructed to provide protection from noise generated from the local road network and the adjacent industrial estate. The upper limits for the designed noise levels within the developments shall be 35dBA LAeq in habitable rooms with windows shut and other means of ventilation provided and for external noise shall be 55dBA LAeq in outdoor living areas.</p> <p>Reason: To protect residential amenity.</p>
20	<p><b>Material storage and employee parking during construction</b></p> <p>Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.</p> <p>Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.</p>
21	<p><b>Wheel washing facilities</b></p> <p>Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.</p> <p>Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p>
22	<p><b>Energy Efficiency</b></p> <p>Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.</p> <p>Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.</p>

**INFORMATIVE: REASONS FOR APPROVAL**

	<p>In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, and visual and residential amenity of the area, and will provide for a modern sustainable housing development.</p>
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**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H8 Residential Frameworks for Larger Villages  
T6 Improvements in Road Safety  
T7 Traffic Generated by New Development  
L1 Provision of Open Space, including Standards  
L2 Provision of Open Space in New Housing Development  
D1 General Principles for the Layout and Design of New Developments  
D2 Design for People  
D3 Design for Access  
D5 Layout of New Housing Development  
D11 Location of Pollution Sensitive Developments  
D12 Provision of Sewage Treatment  
D13 Development Affecting Watercourses

Supplementary Planning Guidance Notes:

SPG3. Layout of New Housing.  
SPG5. Traffic Calming.  
SPG6. Parking standards  
SPG7. Open Space  
SPG8. Landscaping  
SPG9. Conservation of Energy  
SPG10. Crime prevention and personal Security



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<b>APPENDIX 2</b> <b>Section 106</b> <b>PROPOSED HEADS OF TERMS.</b>
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The Section 106 agreement will seek to secure the following:

- A Management Plan for the future management and maintenance of areas of open space including equipped play areas.
- A Design Code for the site comprising details of mix of house types, types of materials, surface treatments, street furniture and means of enclosure.
- Off site highway works to provide a 1.8 metre wide footway to adoptable standards along the northern side of Rose Street from the junction with the B1278 to the entrance to the development site.
- The provision of a minimum of 20% affordable housing spread across the site.

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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3. 7/2006/0572/DM APPLICATION DATE: 15 September 2006

PROPOSAL: **ERECTION OF 86NO. DWELLINGS**

LOCATION: **LAND AT HAWKSHEAD PLACE NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Tees Valley Housing Group  
Rivers House, 63 North Ormesby Road, Middlesbrough, TS4 2AF

**CONSULTATIONS**

1. DCC (TRAFFIC)
2. NORTHUMBRIAN WATER
3. ENGLISH NATURE
4. GREAT AYCLIFFE TC
5. ENV AGENCY
6. WILDLIFE TRUST
7. ENGINEERS
8. VALUER
9. Lee White
10. DESIGN
11. LANDSCAPE ARCH
12. POLICE HQ
13. DCC (PROWS)
14. Cllr. George C. Gray
15. Cllr. M A Dalton
16. Cllr. E M Paylor

**NEIGHBOUR/INDUSTRIAL**

Garburn Place:13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,40,41,42,43,44,45,46,47,30,31

Glebe Road:74

Stainforth Close:81,82,83,84,85,86,87,88,89,90,91,92,93,94

Hawkshead Court:23,22,21,20,19,18,17,16,15,14,12,11,10,9,8,7,6,5,4,3,2,1

Hawkshead Place:1,2,3,4,5,6,7,8,9,10,11,12,71,72,73,74,14,15,33,34,35,36,64,77,Hawkshead Place

**BOROUGH PLANNING POLICIES**

- |    |                                                                           |
|----|---------------------------------------------------------------------------|
| H1 | Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill |
| H2 | Major Housing Sites in above Four Towns                                   |
| D1 | General Principles for the Layout and Design of New Developments          |
| D5 | Layout of New Housing Development                                         |
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**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**BACKGROUND**

On 30 March 2006 Cabinet considered a joint report of the Director of Neighbourhood Services and Director of Resources regarding the approach the Council should take to the sale and development of Hawkshead Place Newton Aycliffe which had outline planning permission for the provision for new housing.

At that meeting it was resolved that the development of the site is based on a partnership approach with a Registered Social Landlord (RSL) rather than releasing the site on the open market. It was considered that adopting this approach would demonstrate the Council's commitment towards providing affordable/older persons housing in this area of Newton Aycliffe. In order to facilitate the development of the site Cabinet agreed to:

- The preparation of a development brief clearly articulating the Council expected outcomes from the land sale,
- The identification of suitable RSL partners to tender for the project, and
- An assessment of tender submissions by a selection panel

Following Cabinet approval a development brief was prepared outlining the minimum outcomes that the Council expected. The principal outcomes included the delivery of 30% of the housing as bungalows and affordable housing. The brief provided more detail in terms of this 30% requirement, with 20 bungalows for rent being provided and the remaining units to be affordable. The brief also covered the nominations arrangements that will be in place in relation to the letting of the bungalows.

Following the preparation of the brief those RSL's with recent experience of development and a strong delivery record in the North East were invited to tender as potential partners. Tees Valley Housing Group were judged to be the RSL whose tender most closely met the requirements of the development brief and were accordingly appointed as the preferred developer.

Following their successful tender Tees Valley Housing are now seeking detailed planning permission to develop the site for residential purposes and it is this application which is the subject of this report.

**SITE DESCRIPTION**

The key characteristics of the site are as follows:

The development site is bounded to the north west by Burnhill Way and to the north east by Stephenson Way. The site covers approximately half the length of Hawkshead Place, with the other half running south west into Williamson Way. Finally the south east boundary of the site backs onto the properties of Garburn Place. The site is situated approximately 1km from Newton Aycliffe train station and is served well by the local road network.

The site was previously occupied by former council housing stock which has been substantially cleared in the 1980's.

# SEDGEFIELD BOROUGH COUNCIL

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There are currently 6 occupied properties remaining on the site, 2 of which are rented from the Council and 4, which are privately owned. The existing road, footpath and utilities across the site serve these remaining properties. To release the development site's full potential there are a number of adopted highways, which potentially will need to be closed. The Borough Council is not the highway authority.

### THE PROPOSAL

Detailed planning permission is being sought to develop the site for a total of 86 dwellings giving an overall density of 50.6 dwellings per hectare. The proposal provides for a variety of house types including a three storey apartment block fronting onto Stephenson Way, a series of mews flats, detached and semi detached houses and 20 no bungalows.

The layout provides for a new road linking the existing Hawkshead Place with Stephenson Way thereby improving the permeability of the scheme for both cars and pedestrians. Roads leading from the main access road through the site have been designed to provide 'semi-private' streetscapes which lead to courtyard and a range of parking facilities.

The scheme also provides for hard and soft landscaping and has been designed to maintain existing trees and to provide a safe an attractive environment for future residents.

The proposed layout is shown below at figure 1.

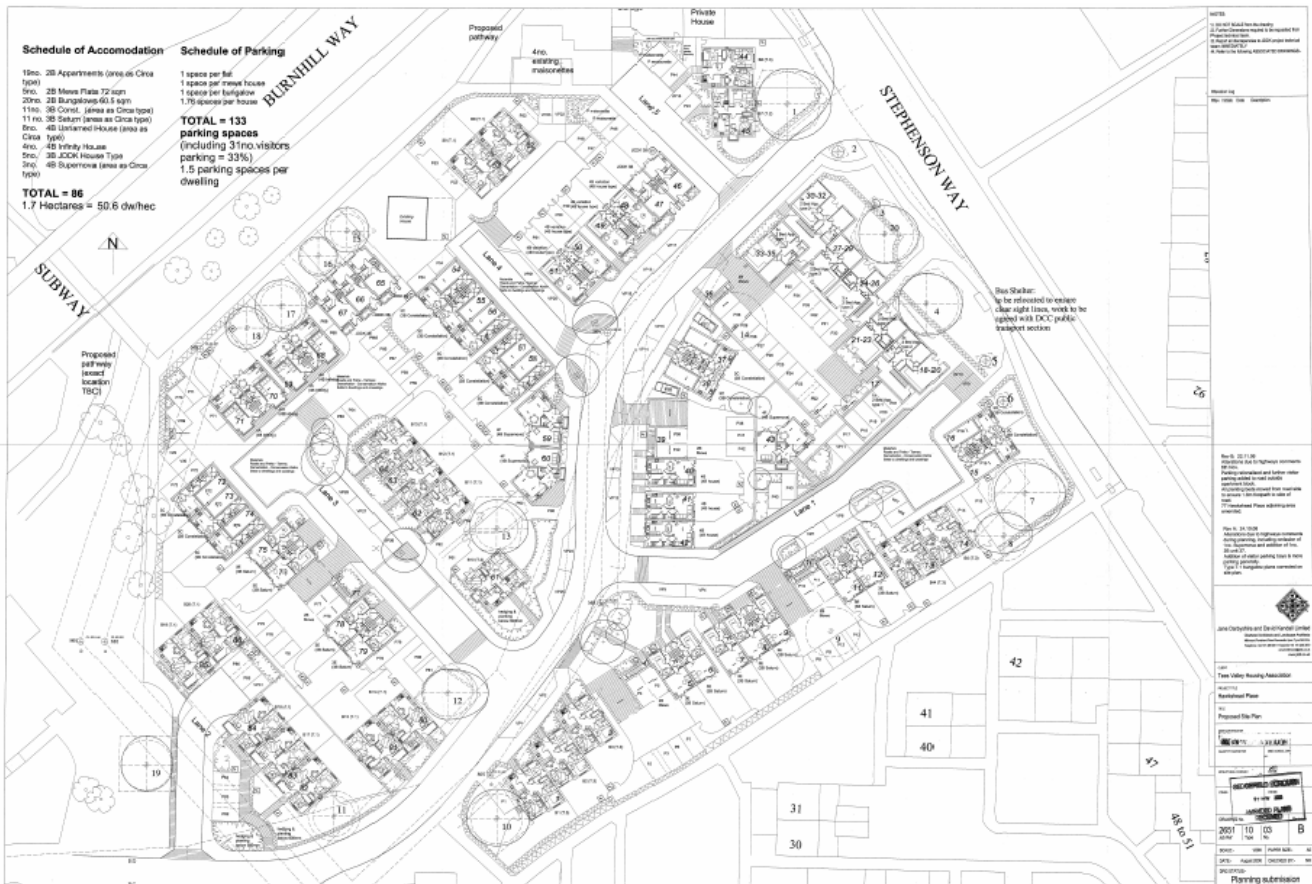


Figure 1.

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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The application has also been accompanied a detailed Design and Access Statement which is now mandatory in respect of major development proposals. The Design and Access Statement outlines the 'vision' behind the proposal which is to 'create a unique sense of place with a design led approach to the public realm that contributes positively to the locality'. The statement includes an appraisal of the site, an urban design strategy and accessibility strategy and addresses the CABE Building for Life 20 Questions.

#### CONSULTATION RESPONSES

Great Aycliffe Town Council have responded to state that they have no observations or objections to make on the proposal.

The County Engineer has offered no objection to be proposal but raised a number of technical engineering issues, which have been drawn to the attention of the applicant. The applicant in response has submitted a series of revised drawings in order to deliver a scheme which accords with County's access and parking standards.

Durham Constabulary (Architect Liaison/Community Safety) have indicated that they have no observations to make.

The County Archaeologist has offered no objection to the proposal.

The Environment Agency objected to the proposal until such time as a Flood Risk Assessment had been undertaken. The applicants in response have submitted a Flood Risk Assessment, which has been forwarded to the Environment Agency. Their comments are awaited.

The application has been advertised by a notice in the press, notices posted on site and letters to individual residents. Four letters have been received in response to the consultation exercise and the principal issues are summarised below:

*During construction and afterwards the provision of 86 dwellings will increase the traffic as well as noise and disturbance.* (Whilst the proposal will inevitably result in additional traffic it is not considered that this would give rise to significant problems of noise. Furthermore, a condition is proposed limiting the hours of construction and the use of plant and machinery.)

*The removal of an existing driveway takes away amenity for car parking where there is currently space for two cars.* (The scheme has been amended to address this particular problem.)

*Maintenance of an existing fence and gable wall will be prevented as a result of the development.* (The scheme has been amended to address this particular problem.)

*The proximity of the houses will interfere with the right to light.* (The proposal satisfies the Council's normal privacy and amenity standards.)

*Application to purchase a garage from the Council was refused and these garages are to be demolished which is underhanded and smacks of conspiracy.* (This matter has been referred to Head of Housing Management and is not considered to be a material planning consideration.)

#### PLANNING CONSIDERATIONS

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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The main planning considerations in this case are:

- Compliance with the locational requirements of National Planning Policy and Guidance and Local Plan Policies.
- The provision of Affordable Housing
- Design and layout.

**Compliance with the locational requirements of National Planning Policy and Guidance and Local Plan Policies.**

Hawkshead Place is situated within the urban area of Newton Aycliffe and is considered to be a brownfield site as it has previously been used for Council housing, which was demolished in the 1980's. The development of the site would therefore be consistent with the locational requirements of PPG3 Housing which promotes the reuse of 'Brownfield' or previously developed land for housing in preference to greenfield sites. PPG3 also promotes the efficient use of land and as the proposal amounts to a density of approximately 50 dwellings per hectare the development is well within the government guidelines.

The proposal would also be consistent with paragraph 13 of Draft PPS 3 which states that to be considered developable a site should meet the following criteria:

- A) Available – the site is available now or is likely to become available for housing development and capable of being developed within five years.
- B) Suitable – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- C) Viable – housing is economically viable on the site.

At a local level the site is an allocated housing site by virtue of Local Plan Policy H2 and its development for housing is well established.

**Design and Layout**

The Development Brief for the site sought to achieve a scheme which incorporated the following:

- **Character** - a place with its own identity which responds to and reinforces, locally distinctive patterns of development, landscape and culture;
- **Quality of the public realm**- a place with attractive, safe and successful public spaces and routes which work effectively for all in society;
- **Ease of movement** - promoting accessibility and local permeability putting people before traffic and integrating land uses and traffic.

In respect of 'character' the submitted scheme will succeed in creating a sense of place as the variety of house types and architectural features will give the development a distinctive contemporary appearance.

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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The proposal will also provide for well designed and safe public spaces. The proposal incorporates imaginative hard and soft landscaping which will be a positive amenity for local residents.

Finally the proposal also provides for a hierarchy of roads, which are designed to give priority to pedestrians. Local permeability is encouraged with routes linked to local amenities and public transport nodes.

#### **Affordable Housing**

The proposal provides for 20 bungalows, which will be available for rent, and 6 shared ownership apartments. This equates to 30.2% affordable housing within the scheme, which is marginally in excess of the 30%, which was agreed by Cabinet and incorporated within the development brief. Under normal circumstances affordable housing would be secured through a section 106 agreement. On this occasion the affordable housing will be secured through the terms of the land sale and a Section 106 agreement is therefore not necessary.

#### **Provision of Renewable Energy**

The emerging RSS promotes the incorporation of 10% embedded renewable energy in major new development and is an issue, which is gradually coming to the fore. Recently this issue has been addressed through the imposition of appropriate conditions. One such example is the Thorn redevelopment proposals where a condition has been imposed requiring the provision of 10% embedded renewable energy. However, this requirement was not reflected in the Development Brief for the site and was not a determining factor when the developer successfully tendered for the site. It would therefore be unreasonable to request the provision of 10% renewable energy within the scheme. The scheme will however be designed to achieve a 'very good' eco homes rating for all of the houses and the development has been orientated to maximise passive solar gain which is considered to be a significant alternative energy source.

#### **CONCLUSION**

The development of the site for housing would accord with both national and local policies in so much as it would constitute the development of a brownfield site within an urban area close to existing facilities and transport nodes. Furthermore the proposal when viewed against the CABE Building for Life 20 Questions (Which have been endorsed by Management Team) scores highly (17/20) and as such provides for a well designed and distinctive environment which will make a positive contribution to the overall quality of the local area. Finally the proposal also provides for over 30% affordable housing units in accordance with the development brief for the site.

To conclude, it is considered that the proposal satisfies the 'vision', which was set out in the development brief. This sought to:

*Achieve a sustainable regeneration of Hawkshead Place which delivers a high quality environment, well served by amenities and providing a comprehensive range of well designed types and tenures of housing that meets the needs and aspirations of present and future residents.*

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**HUMAN RIGHTS IMPLICATIONS**

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**RECOMMENDATION: that the application is approved subject to the following conditions:**

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: Drawing no. 2651 10 03 rev B received 27th November 2006 and Drawing nos. 2651 30 05,06 and 07 received on 29th November 2006.

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. That the new access to the highway shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these details prior to occupation of the dwelling or the use hereby approved is brought into use.

Reason: In the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

5. Before any works are commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those (if any) neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with these approved details.

Reason: To ensure the existing ground and landscape conditions are protected from undue disturbance and to safeguard the amenity of neighbouring occupiers and to comply with Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.



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### **PLANNING APPLICATIONS - TO BE DETERMINED**

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6. No machinery shall be operated on the premises before 8am nor after 6pm nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that occupants of nearby properties are not adversely affected by noise from the premises, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

7. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.

Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

8. Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.

Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluted Developments) of the Sedgefield Borough Local Plan.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

11. Prior to the commencement of development on site a detailed tree survey shall be carried out and submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the recommendations of the tree survey unless otherwise agreed in writing by the Local Planning Authority. No trees on the site shall be lopped, topped, pruned or felled, without the prior consent of the Local Planning Authority. Any trees which are removed with consent shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To preserve the visual amenity of the area, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**

In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of its location access arrangements, parking, design and layout.

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H1 - Housing Development in Newton Aycliffe

H2 - Major Housing Sites in above Four Towns.

D1 - General Principles for the Layout and Design of New Developments

D5 - Layout of New Housing Development

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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4. 7/2006/0610/DM APPLICATION DATE: 21 September 2006

PROPOSAL: **PROPOSED DIVERSION OF WOODHAM BURN, FLOOD PREVENTION WORKS AND ERECTION OF 150 DWELLINGS AND ASSOCIATED ACCESS (OUTLINE APPLICATION)**

LOCATION: **LAND ADJOINING WOODHAM BRIDGE NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Camtec Properties (Newton Aycliffe) Ltd  
c/ Agent

**CONSULTATIONS**

1. Cllr K Henderson
2. GREAT AYCLIFFE TC
3. Cllr. B A Clare
4. Cllr. A M Fleming
5. Councillor J. Gray
6. Cllr. M. Iveson
7. Cllr. Mr. R. Fleming
8. DCC (PLANNING)
9. Rodger Lowe
10. Countryside Team
11. Government Office for the North East
12. DCC (PROWS)
13. POLICE HQ
14. LANDSCAPE ARCH
15. DESIGN
16. L.PLANS
17. Lee White
18. VALUER
19. ENV. HEALTH
20. ENGINEERS
21. WILDLIFE TRUST
22. ENV AGENCY
23. ENGLISH NATURE
24. NORTHUMBRIAN WATER
25. DCC (TRAFFIC)
26. One North East
27. The North East Assembly

**NEIGHBOUR/INDUSTRIAL**

Windsor Close:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,21  
Lowther Drive:33,25,8,28,10,26,6,1,4,11,Burbanks,43,22,5,2,23,9,30  
Gatcombe Close:1,2,3,4,5,6,7,8,9

## SEDGEFIELD BOROUGH COUNCIL

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Farnham Close:20

Burnside

Cheltenham

Way:2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,32,34,36,37,  
38,40,42,44,46,Burnside,Burnside,Burnside

Hickstead Rise:14,10,12,17,6,7,5,11,19,4,1

Kenilworth Court:1,2,3,4,Sedgefield Swimming Club

Stag Lane:15,11,14,16,12,5

Stoneleigh Court:1,2,3,4,5,6,7,8,9,10,11

Cowdray Close:8,17,15,9,16,10

Burghley Mews:1,2,3,4,5,6,7,8

Hylton Close:9,15

Middleham Way:1,2,3,4,5,6,7,8,9,10,11,12,14,15,7

High Green:5,5

Woodham Comprehensive School Allen Brae

Low Copelaw Farm

Low Copelaw Farm Cottages:1,2

Raby Drive:10,9

Fawn Close:7,1

Barnard Close:4

Mulgrave Court:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17

Helmsley Court:9

Chilton Close:1,2,3,4,5,6,7,8,9,10,11,12,14,15

Badminton Grove:2,5,6,12,4,3

Grindon Court:1,2,3,4,5,6,7,8,9,10,11,12

Kempton Close:1,11,7,4

Hind Court:8,17,19,4

### BOROUGH PLANNING POLICIES

H1	Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill
H6	Development at Aycliffe Equestrian Centre, Newton Aycliffe
E4	Designation and Safeguarding of Green Wedges
D5	Layout of New Housing Development
E1	Maintenance of landscape character
E13	Promotion of Nature Conservation
E15	Safeguarding of Woodlands, Trees and Hedgerows
T7	Traffic Generated by New Development
D13	Development Affecting Watercourses
E14	Safeguarding Plant and Animal Species Protected by Law

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### THE PROPOSAL

Outline planning permission is sought for the change of use from outdoor recreation to residential including the diversion of Woodham Burn, flood prevention works and erection of 150 dwellings. The application states that there would be 30 units of affordable housing as part of the proposal, and that there would be a mix of houses and apartments provided. Vehicular access to the site would principally be from the A167, by way of a standard junction with

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protected turning zones. A road link would be provided from Cheltenham Way for emergency vehicles only, rather than for general access purposes.



The application is supported by the following documents:

- site layout plan (for illustrative purposes only)
- design and access statement
- sequential test document
- supporting policy statement
- community questionnaire
- environmental statement (including matters such as archaeology, air quality, noise and vibration, ecology, water quality, flood risk, traffic and transportation assessment)

**CONSULTATION AND PUBLICITY RESPONSES**

**Great Aycliffe Town Council** considers the proposal to be totally unacceptable for the following summarised reasons:

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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- the development is at an even greater density than the leisure development previously approved at appeal, to which an objection was lodged
- the site lies within a 'green wedge' open space
- access would be from the A167 where there have been a number of accidents, some fatal
- vehicles may also use the emergency vehicle access into the Woodham area
- a precedent may be established for further development that would exacerbate the highway issues

**Durham County Council (Highway Development Control Section)** has commented that whilst it would be technically possible to construct a junction that could accommodate traffic generated by the residential development, the application does not address the issue that the creation of a new access onto a 60mph section of highway could increase the potential for accidents. Such accidents would be potentially more dangerous compared to other existing road junctions on the A167 which are subject to lower speed limit enforcements. Concern is also expressed about the increase in the number of pedestrians, particularly children that would need to cross the busy A167 when using public transport. Whilst a limited number of dwellings, accessed from Cheltenham Way might be acceptable, a highway objection is lodged to the current application.

**Durham County Council (Planning Policy Team)** has stated that only a small part of the application site lies within the defined settlement boundary, and that the site is also within a 'green wedge', where Policy E4 of the Borough Local Plan states that built development will normally be refused. The northern part of the site is allocated for housing under Policy H2, as part of a comprehensive planning scheme set out in Policy H6. Policy H1 states that housing development in the major towns will be approved provided it does not lead to an extension of development into the countryside. County Structure Plan (CSP) Policy 4 reflects this aim of protecting the countryside. CSP Policy 9 states that outside of main towns, provision should be made for housing development consistent with the scale and function of other towns and villages served by public transport and with a reasonable range of facilities.

PPG3 is clear that local authorities should seek to identify sufficient land to meet strategic housing requirements, but this proposal would constitute Greenfield 'windfall' development under consultation draft PPS3, and regard must be had to this national policy, as well as CSP Policy 9 in assessing the proposal in line with housing allocations within the emerging Regional Spatial Strategy.

Severe flooding problems have been experienced in this location and there would be potential for flooding of the new development, or elsewhere as a result of the development, contrary to CSP Policy 90.

It is concluded that the proposal conflicts with Policies 4 and 9 of the County Structure Plan and potentially conflicts with Policy 90.

**Durham County Council (Public Rights of Way Section)** advises that there are no recorded rights of way affected by the proposal, but other unrecorded rights of way might exist and that the level of footpath provision indicated in the layout plan ought to be maintained, if the development were to be approved, to accommodate the obvious level of use by pedestrians.

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**One North East** in its capacity as the Regional Development Agency notes that the development would be within a green wedge as defined by Policy E4 of the Local Plan, and that the North East Assembly does not consider that the proposal conforms with RPG1 on this basis. It is recognised that the proposal must be considered in the context of the Borough's overall housing allocation, and further consultation would be required on any subsequent reserved matters application.

**Durham Constabulary (Architectural Liaison Officer)** has no concerns about the general layout, but considers the number of footpaths to be crime generators. Advice is given on footpath design and landscaping form.

**Natural England** has not provided a detailed response to date.

**Durham Wildlife Trust** objects to the proposal on the basis that there is insufficient protected species survey information, and points out that it is vital to have this information before an outline planning application can be determined.

**Borough Council's Engineering Services Section** has no objections provided there is prior agreement of engineering details.

**Northumbrian Water** does not object to the proposal, but has made recommendations about technical requirements for the discharge of foul and surface water. It has also been pointed out that the developer should contact Northumbrian Water to determine whether the local sewage treatment works can accept the additional capacity of foul flows from the site.

**The Environment Agency** objects to the proposal because the flood risk assessment does not adequately address the risks to the development, nor the risk that the development would cause or exacerbate flooding elsewhere. In particular, the following issues are unclear:

- relative ground levels
- upstream flood risk
- effect of balancing pond on flooding
- surface water run-off attenuation
- changes to geomorphology
- effects on existing drainage
- investigation of existing flooding in Cheltenham Way

The Agency also objects due to unsatisfactory coverage of the ecological issues. In particular, the following issues are of concern:

- lack of adequate protected species surveys
- conflict between the Ecological Assessment and Flood Risk Assessment
- missed opportunity to enhance physical characteristics of Woodham Burn
- unclear how the remainder of land covered by the habitat survey would be affected by the development

**Borough Council's Forward Planning Team** has concluded that the proposal would not fully accord with national guidance contained in PPG3 and Draft PPS3, regional policies contained within RPG1 and the Submission Draft RSS, and local policies contained within the Borough

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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Local Plan. It is recommend that the application should be refused. The more detailed comments have been used in the planning considerations set out below.

**Borough Council's Countryside Officer** recognises that the ecological issues have been partly addressed, but highlights the need for further survey work, particularly as the land would be likely to support a wide range of plant and animal species.

**Borough Council's Landscape Architect** has made comprehensive comments about how the proposed development would impact upon the application site and its surroundings. In particular, the area's character is dominated by the Burn, and this would be fundamentally altered by the development. Fundamental information has been omitted from the submission, such as details about existing trees, ecology and hydrology. The application ought to be refused.

**Borough Council's Tree Officer** expresses concerns about tree belt and hedgerow removal, particularly parallel to the A167, as this permanent loss of landscape features would erode the buffer between residential development and the main road.

**Borough Council's Environmental Health Section** has specified a range of environmental controls relating to noise and dust pollution, including time limitation of development works and prohibition of burning on the site.

**Publicity / Neighbour Responses** are set out in appendix 1 to this report. There is overwhelming objection to this proposal, and the principal reasons for objection are summarised as follows:

- The original planning permission was for leisure use
- There are severe flooding problems relating to Woodham Burn and the development could exacerbate this
- The A167 has a history of accidents and the proposal would increase the risk of accidents
- The development would result in the loss of green belt land
- There would be a precedent for further such green belt developments to the south
- There are other more adequate locations that have been identified in the Newton Aycliffe and Woodham areas to cater for population growth and housing needs

### PLANNING CONSIDERATIONS

This proposal represents the part redevelopment of a site that is designated within the Borough Local Plan as Green Wedge (Policy E4). There are a range of local, regional and national planning policies and guidance against which this proposal should be considered.

The main planning considerations in this case are:

- Should this area of Green Wedge be preserved, and built development within it resisted?
- Would housing development in this locality be harmful to the landscape setting of Woodham Village?
- Is there an urgent need to allow a significant Greenfield housing development in order to maintain a five-year supply of housing?
- Have the ecological issues been fully and adequately addressed?



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### PLANNING APPLICATIONS - TO BE DETERMINED

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- Is the flood risk assessment adequate?
- Would the proposal be satisfactory in highway safety terms?

#### Borough Local Plan

Policy H1 of Sedgefield Borough Local Plan sets out the criteria for assessing new housing development on sites within Newton Aycliffe. It states that a site must either be substantially surrounded by housing; or not lead to an extension of development into the open countryside. Additionally a scheme must not prejudice the environmental restraint policies of the Local Plan and must not conflict with Policy D5 which sets out the design principles for new housing.

The application site lies within an area allocated within the Sedgefield Borough Local Plan as a 'green wedge'. It is a fundamental aim of the local plan that development within green wedges should be resisted, in order to maintain the distinction between the countryside and built up areas. The proposed development would also be harmful to the landscape setting of Woodham Village. For these reasons, the proposal is in conflict with Policy E4 of the Local Plan which states that proposals for built development will normally be refused in Green Wedges.

Policy E1(B) also states that the Council will maintain distinctive landscape features, such as hedgerows and streams, and ensure that they fit into the landscape scheme for any development in the area. It is considered that the proposal would be contrary to this policy, largely due to the extensive engineering works that are proposed, which would substantially affect the existing landscape features and the course of the river. Woodham Burn would be significantly relocated and widened as part of the proposals.

The Borough Council's Landscape Architect considers that this would result in substantial alterations to the landscape, both fluvial and topographical. It would result in the total infilling of the existing riverbed and loss of its meandering course and 'u' bend. It would also result in the total loss of trees within the river course. These works would contravene Policy E13(B), which aims to protect and enhance linear features such as stream and river corridors, and Policy E15(C), which requires development proposals to retain important areas of trees.

The proposal therefore conflicts with several fundamental policies of the development plan.

#### National Guidance

Current housing policy is largely set out within PPG3 and Draft PPS3, which aim to concentrate most additional housing development within existing urban areas. This is closely allied to the aim of making more efficient use of land by maximising the re-use of previously developed land. The presumption is that previously developed sites should be developed before, and in preference to greenfield sites. The exception to this principle is where previously developed sites perform so poorly in relation to the following criteria as to preclude their use for housing before a particular greenfield site. Sites for housing should be assessed for their suitability against the following criteria:

- *the availability of previously-developed sites and empty or under-used buildings and their suitability for housing use;*

The site represents greenfield land, and therefore in broad terms, it should only be developed if there are insufficient brownfield sites that represent sustainable options for development to meet the Borough's regional housing allocation set within RSS.

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- *the **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;*

Although in simple distance terms this site is a comparable distance to the town centre as other housing sites located at Cobbler's Hall, those sites do not have the added constraint of being designated Green Wedge. Furthermore, the site does not integrate with the urban framework in access terms, because future occupiers would have to leave the town and enter the development from the A167. This can hardly be regarded as sustainable.

- *the **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;*

This is an issue for Northumbrian Water and other service providers to comment upon. In respect of social infrastructure however, it would perhaps have been appropriate to liaise directly with the local schools, hospital and doctors to ascertain if they could absorb further development, or if new facilities should be provided.

- *the **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;*

The development of new housing within Newton Aycliffe would bring increased benefits, such as increased footfall in the town centre, and would provide more demand to sustain appropriate local services and facilities. However, it has to be acknowledged that this site is not the only option available to provide new housing within Newton Aycliffe, and indeed many alternative locations such as those remaining at Cobbler's Hall are not constrained by being designated green wedges.

- *the **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.*

It would be essential to ensure that the proposal would not increase the risk of flooding within Newton Aycliffe, and in particular the adjoining Woodham Burn. A recent Council funded Strategic Flood Risk Assessment (SFRA) of all areas in the Borough identified the land as being under risk of 1 in 100 chance (or greater) of flooding per year. Once again, the significant environmental constraint is the green wedge designation, which precludes residential development.

Paragraph 13 of Draft PPS3 states that to be considered developable for housing, a site should meet the following criteria:

- d) **Available** – the site is available now or is likely to become available for housing development and be capable of being developed within five years;
- e) **Suitable** – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- f) **Viable** – housing development is economically viable on the site.

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Whilst Parts **(a)** and **(c)** are likely to be easily satisfied, it is difficult to accept that **(b)** is met and that the site is a sustainable option for development due to the land's designation as green wedge.

#### PPG25 and Draft PPS25

PPG25 stipulates that in broad terms, the planning system should ensure that new development is safe and not exposed unnecessarily to flooding. It should seek where possible to reduce, and certainly not increase flood risk. The draft PPS25 contains stronger, clearer planning principles that aim to ensure flood risk is taken into account at all stages in the planning process, that inappropriate development is avoided in areas at risk of flooding, and that development is directed away from high risk areas.

Paragraph 14 of draft PPS25 stipulates that local authorities should apply the sequential test to demonstrate that there are no alternative sites available in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. A sequential approach should be used in areas known to be at risk from other forms of flooding.

In areas at risk of river flooding, preference should be given to locating new development first to land in Flood Zone 1 (Low Probability). If there is no reasonably available alternative in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 (Medium Probability) and then Flood Zone 3 (High Probability). The Flood Zones refer to the probability of flooding from rivers, the sea and tidal sources and ignore the presence of existing defences, because these can be breached, overtopped and may not be in existence for the lifetime of the development (Paragraph 15, draft PPS25).

Paragraph 16 relates to the Exception Test and stipulates that departures from the sequential approach will only be justified in exceptional circumstances where it is necessary to meet the wider aims of sustainable development.

The application site falls within the Zone 3a (High Probability) Flood Risk Zone. This is because land in the vicinity of the Woodham Burn has been assessed as having a 1 in 100 or greater chance of river flooding. In terms of the sequential test, sites falling with Zone 1 (Low Probability) and Zone 2 (Medium Probability) should in broad terms be extensively exhausted for their suitability for housing before consideration is given to developing a site which has a high probability of flooding. The development of this site at Woodham Bridge would therefore conflict with this guidance.

#### Regional Guidance

##### RSS

The North East Assembly have produced the Submission Draft Regional Spatial Strategy (RSS). This document will form part of the statutory development plan for the Borough, and once it is approved will replace the existing RPG1 and County Durham Structure Plan. The strategy provides the long-term framework for the region for developing a stronger economy and improving the quality of life of communities as places to live and work.

**Policy 2** of the document concerns Sustainable Development and highlights that Local Development Frameworks should support sustainable construction and development through the delivery of a number of objectives relating to environmental, social and economic concerns. Of particular relevance to this application are the following parts:

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### PLANNING APPLICATIONS - TO BE DETERMINED

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- (h) to prevent inappropriate development in flood plains;
- (i) reclaim and re-use derelict land to make more productive use of land;
- (n) ensure everyone has the opportunity of living in a decent and affordable home;
- (o) improve the quality and choice of housing through market renewal and new development;
- (p) reduce crime and the fear of crime, particularly through good design;
- (r) ensure good accessibility for all to jobs, facilities, goods and services in the region particularly by public transport, walking and cycling;
- (s) reduce the need to travel by private car.

**Policy 3** of Submission Draft RSS advocates the sequential approach to development that gives priority to previously developed land and buildings in the most sustainable locations. Locations should be selected in the following priority order:

- a) Suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;
- b) Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
- c) Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
- d) Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.

All sites should be in locations that are, or will be, at lowest risk from flooding, and well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling. The criteria contained within Policies 2 and 3 of Submission Draft RSS are broadly compliant to the guidance and policies contained within PPG3 and PPS3 and when assessing this proposal against this RSS criteria, it is clear that this location It is considered, therefore, that it is not a priority site for housing development.

**Policy 5** of Submission Draft RSS concerns the locational strategy and dictates that new development should be concentrated in the conurbations and main towns, as these are the most sustainable locations where the majority of economic activity takes place.

**Policy 7** relates to the Tees Valley City Region and specifically supports the regeneration of Newton Aycliffe. This policy stipulates that housing should be developed to support the economic growth strategies in sustainable locations, mainly on previously developed land in areas where it does not undermine existing housing markets, particularly housing market restructuring areas.

The Panel Report relating to the Examination in Public (held March – April, 2006) of the RSS was recently released (July 2006) by GONE. This report comprehensively addresses the issues affecting spatial planning within the North East. One key point that is a consistent theme throughout the report, is the need for development that takes place to be in compliance with sustainable development principles (**Policies 2&3**) and the locational strategy (**Policy 5**). These concepts will be enshrined in the final version of RSS that will be developed by GONE over the coming months.

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A key principle of the Report is the emphasis of the link between the components of employment, housing and transport. If any of these are allowed to develop on their own without regard to the other two, then it is unlikely that sustainability will be achieved. Housing development within the Newton Aycliffe area would be broadly compliant with these three components because the area is closely related to a significant concentration of employment (Aycliffe Industrial Park), and Newton Aycliffe in general terms is accessible by public transport. There is nothing however to prioritise this particular site from other potential housing sites within Aycliffe, and there is no justification that this site should be developed in preference to other sites. Indeed many other sites do not have the significant environmental constraint (green wedge Policy E4) that restricts development from taking place on this application site.

With specific regard to housing, the Submission Draft RSS identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021 (the most appropriate benchmark pending clarification by the Planning Inspectorate of more recent figures in The Panel Report). The Planning Authority would need to be satisfied however, that any proposal considered at this stage represents a **sustainable option for development** and that there is a **demonstrated housing numbers need** to warrant the immediate release of housing land.

#### Housing Figures

The housing land availability study has been updated as of 31<sup>st</sup> October 2006, and the Borough currently has **9.16** years supply of housing. This demonstrates that the scheme is not justified in terms of housing supply as the authority has an adequate supply of housing land within the Borough. There is not an urgent need to allow a significant greenfield housing development as the Borough currently has well in excess five-years supply of housing.

Additionally the 150 residential units proposed by his scheme would all be on greenfield land. This would be inconsistent with Policies H1 and H4 of RPG1 as it would not contribute towards meeting the region's previously developed land targets of 60% by 2008 and 65% by 2016.

#### Provision of Affordable Housing

PPG3 states that the need for affordable housing is a material planning consideration. In order for Local Authorities to request affordable housing provision, there is a need to demonstrate a lack of affordable housing to meet local needs through evidence, such as Housing Needs Survey.

Draft PPS3 and Circular 06/98 reinforce the Government view that there is a need for a sound evidence base to justify affordable housing provision.

Paragraph 10 of Circular 06/98 states that Local Authorities should assess the suitability of sites for the provision of affordable housing against the following criteria:

- it will be inappropriate to seek any affordable housing on some sites. In practice the policy should only be applied to suitable sites over 25 dwellings or more (this has been reduced to 15 dwellings or more in Draft PPS3);
- the proximity of local services and facilities and access to public transport;
- whether there will be particular costs associated with development of the site;
- whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site;
- wherever possible such sites should incorporate a mix of affordable housing types, such as family housing and homes for smaller households; and,

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- care is needed in determining the proportion of affordable housing in the overall numbers on the site and in implementation and subsequent management of the affordable housing element.

Taking account of the evidence provided by the Housing Needs Survey, the interrogation of House Price Data, Household Income and Housing Waiting Lists, there would be a clear need to provide affordable dwellings on this site, if all other material planning considerations were acceptable. The provision of affordable housing would accord with Policy H7 of RPG1, the emerging RSS, Circular 06/98 and the philosophy of Policy H19 of the Borough Local Plan. Taking account of the recommendation in the Housing Needs Survey, 20% provision would be appropriate.

(A full analysis is contained in Appendix 2)

#### **CONCLUSION**

Previous development has been approved to the north of the application site under the terms of Policy H6 of the Borough Local Plan. That policy permitted the residential development of a small part of the former equestrian centre site only on the basis of key requirements for a comprehensive planning scheme including keeping the remainder of the site undeveloped and used for purposes compatible with the green wedge policy of the Local Plan (E4), and stopping up the access from the A167. Objections by the Highway Authority to access from the A167 continue on the grounds of highway safety.

The application site lies outside the residential framework of Newton Aycliffe as defined in Policy H1 of the Local Plan, in an area allocated as a green wedge. As green wedges must be preserved, and built development within them resisted, the proposed development would be harmful to the landscape setting of Woodham Village and would be in conflict with Policy E4 of the Local Plan which states that proposals for built development will normally be refused in Green Wedges such as that to the east of Newton Aycliffe.

The proposal conflicts with Local Plan Policy E1(B) which specifies that the Council will maintain distinctive landscape features, such as hedgerows and streams and ensure that they fit into the landscape scheme for any development in the area. The works proposed to facilitate the construction of 150 dwellings would contravene Policy E13(B) of the Borough Local Plan, which aims to protect and enhance linear features such as stream and river corridors, and also Policy E15(C) which expects development proposals to retain important areas of trees.

The scheme is not justified in terms of housing supply as there is not an urgent need to allow a significant Greenfield housing development in order to maintain a five-year supply of housing. The Scheme would not contribute towards the national target that by 2008, at least 60% of additional housing should be provided on Brownfield land.

The scheme represents the development of a site which falls within the Zone 3a (High Probability) Flood Risk Zone. In terms of the sequential test, sites falling with Zone 1 (Low Probability) and Zone 2 (Medium Probability) should in broad terms be extensively exhausted for their suitability for housing before consideration is given to developing a site which has a high probability of flooding.

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The ecological issues have not been fully or adequately addressed and would require further survey work in order to establish the likely effect upon wildlife species, some of which may be protected by law.

In summary, the proposal is not justifiable, and would be contrary to key national, regional and local policies in terms of location, access and impact upon the environment.

**RECOMMENDATION**

**For the reasons set out in this report, it is RECOMMENDED that planning permission is refused for the following reasons:**

1. The proposal would involve residential development within a 'green wedge' where built development is resisted in order to maintain the distinction between the countryside and built up areas. As a result the proposed development would be harmful to the landscape setting of Woodham Village and would be contrary to Policy E4 (Designation and Safeguarding of Green Wedges) of the Sedgefield Borough Local Plan.
2. The proposal represents development outside the residential framework of Newton Aycliffe and would result in extension of development into the open countryside contrary to Policies H1 (Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill) and H12 (Housing in the Countryside for Agricultural and Forestry Workers) of the Sedgefield Borough Local Plan.
3. The proposal would result in a significant number of vehicle movements at the proposed new junction with the classified road A167. As a result, there would be increased conflict between fast moving traffic, vehicles entering and leaving the site, and pedestrians accessing public transport. In the opinion of the Local Planning Authority, this would be detrimental to highway safety, contrary to Policy T7 (Traffic Generated by New Development) of the Sedgefield Borough Local Plan.
4. The proposal provides insufficient information regarding the likely impact of the development on protected species, and is in conflict with Policy E14 (Safeguarding Plant and Animal Species Protected by Law) of the Sedgefield Borough Local Plan and contrary to Planning Policy Statement 9 (Biodiversity and Geological Conservation).
5. The proposal provides insufficient information regarding the likely impact of the development on flooding of Woodham Burn and its surroundings, where there are known flooding problems, and is therefore in conflict with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan and contrary to PPG25 (Development and Flood Risk)

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<b>APPENDIX 1 – PUBLICITY RESPONSES</b> <b>APPLICATION 7/2006/0610/DM</b>
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**Submission of a “standard letter”**

76 objections were received where an identical letter was submitted in each case.  
In some instances, more than one copy of the letter was received from the same address. Some  
residents also submitted their own unique comments In addition to the standard letter.  
The letter was sent by residents from the following addresses:



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2	Badminton Grove	Burbanks, Lowther Drive
3	Badminton Grove	1 Lowther Drive
4	Badminton Grove	4 Lowther Drive
5	Badminton Grove	5 Lowther Drive
6	Badminton Grove	6 Lowther Drive
12	Badminton Grove	8 Lowther Drive
2	Burghley Mews	9 Lowther Drive
3	Burghley Mews	10 Lowther Drive
4	Burghley Mews	22 Lowther Drive
5	Burghley Mews	23 Lowther Drive
7	Cheltenham Way	26 Lowther Drive
8	Cheltenham Way	30 Lowther Drive
12	Cheltenham Way	43 Lowther Drive
14	Cheltenham Way	2 Middleham Way
15	Cheltenham Way	3 Middleham Way
20	Cheltenham Way	4 Middleham Way
27	Cheltenham Way	8 Middleham Way
32	Cheltenham Way	12 Middleham Way
44	Cheltenham Way	15 Middleham Way
8	Cowdray Close	17 Mulgrave Court
9	Cowdray Close	9 Raby Drive
10	Cowdray Close	10 Raby Drive
15	Cowdray Close	5 Stag Lane
17	Cowdray Close	12 Stag Lane
1	Fawn Close	15 Stag Lane
7	Fawn Close	2 Stoneleigh Court
6	Gatcombe Close	8 Stoneleigh Court
9	Helmsley Court	9 Stoneleigh Court
4	Hickstead Rise	8 Windsor Close
5	Hickstead Rise	10 Windsor Close
6	Hickstead Rise	18 Windsor Close
10	Hickstead Rise	19 Windsor Close
11	Hickstead Rise	21 Windsor Close
12	Hickstead Rise	21 Windsor Close
14	Hickstead Rise	22 Windsor Close
17	Hickstead Rise	
19	Hickstead Rise	
8	Hind Court	
17	Hind Court	
19	Hind Court	
1	Kempton Close	
4	Kempton Close	
11	Kempton Close	
1	Kenilworth Court	
2	Kenilworth Court	
3	Kenilworth Court	
4	Kenilworth Court	

A copy of the letter is reproduced below which was addressed to the Director of Neighbourhood Services

Dear Sir,

I write in reference to your recent communication concerning the proposed development of new housing at Woodham Bridge (Old Equestrian Centre) at Newton Aycliffe.

I write to oppose the development on the site for the following purposes:

1. Original permission was granted for Outdoor Recreation purposes - not housing development.
2. The land has in the past been subject to severe flooding and new housing will only add to the flooding problem when considering waste water that will flow into the burn from the housing. What are the options to provide solutions to drainage issues? The proposed housing development would adversely affect neighbouring properties by encroaching upon the flood plain in exactly the area where flood water needs temporarily to be accommodated. Woodham School is already having problems with the drainage of waste water.
3. The proposed entrance to the A167 will be located on a piece of road which has had many accidents in the past. It would be very difficult to introduce any speed calming measures at this location - one has only to look at the number of accidents on this road, especially at the junction on to Central Avenue to appreciate the problems that would ensue with another access. (I appreciate that this road has been declassified as a trunk road - however this has not affected the number of vehicles using the road, nor the speed that they travel).
4. If such an access were granted this would become a major access point for persons traveling to and from the Woodland area. Surely the access road via Stag Lane and the proposed streets around the new development would struggle to deal with the amount of traffic that would use the access? This would lead to problems with highway safety,
5. The development would cause the loss of the green belt, which exists between Woodham Village and the A167.
6. Should permission be given to build housing at this location - then surely further applications would be sought for the remaining land to the south of the development. (This would be regardless of any assurances to be given - as what has happened with this application), This would further worsen the problems outlined above.
7. There have been past applications for this site - which have all been turned down - partly in reference to local residents objections.
8. The number and density of the housing does seem to be in contrast to other housing in the area. (This is very obvious when looking at the plan provided on the website).
9. The previous Housing Plan (H2) only allocated 5.1 hectares of land and 100 buildings not the size and number now being sought
10. Improvements are suggested for the Rushyford to Woodham Road and none are highlighted for the A167. The A167 is still designated a major Lorry Route throughout the area, (Highway safety).
11. There are already adequate identified locations within both the Newton Aycliffe and Woodham areas to cater for population growth and housing needs.

Quoting from your website:

**THE COUNCIL WILL NOT NORMALLY GRANT PLANNING PERMISSION FOR DEVELOPMENT THAT WOULD GENERATE TRAFFIC WHICH WOULD: -**

**(A) CREATE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS IN TERMS OF LIVING CONDITIONS OF NEARBY RESIDENTS; OR (B) BE DETRIMENTAL TO HIGHWAY SAFETY IN TERMS OF OTHER ROAD USERS.**

**Under H1 section on the website - HOUSING DEVELOPMENT ON SITES IN NEWTON AYCLIFFE SPENNYMOOR, FERRYHILL AND SHILDON WILL NORMALLY BE APPROVED PROVIDED THAT THE SITE IS INCLUDED IN POLICY H2 or (A) IS EITHER SUBSTANTIALLY SURROUNDED BY HOUSING; OR (B) DOES NOT LEAD TO AN EXTENSION OF DEVELOPMENT INTO THE OPEN COUNTRYSIDE**

**Section D5 further states: THE LAYOUT OF NEW HOUSING DEVELOPMENTS WILL NORMALLY BE EXPECTED TO:- (B) HAVE A CLEARLY DEFINED ROAD HIERARCHY WHICH SHOULD BE DESIGNED TO EXCLUDE THROUGH TRAFFIC, TO MINIMISE VEHICLE FLOWS PAST HOUSES, AND TO ENSURE SLOW VEHICLE SPEEDS;**

I forward this objection for your consideration.

**Environment Agency** - objects to the application for two main reasons:

FLOOD RISK – Proposed development is in the functional flood plain and the flood risk assessment does not adequately address the risks to the development, or the development's possible contribution to additional flooding.

ECOLOGY - The Environment Agency OBJECTS to the planning application due to the unsatisfactory coverage of ecological issues in the supporting documents.

**Petition** - A petition was received, which was signed by 218 people (Many of these people also submitted their own individual comments on the application, and/or a copy of an identical letter of objection).

Each individual endorsed the following statement at the head of the petition:

Mr C F G Walton  
Head of Planning Services  
Council Offices  
Spennymoor  
DL16 6JQ

17th October 2006

c.c. Great Aycliffe Town Council

Your Ref: 7/2006/0610/DM

Dear Sir,

With reference to the above planning application for change of use to Housing Development, Diversion of Burn and Flood prevention works at Woodham Bridge.

We, the undersigned, ask that you give full consideration to the following petition.

We ask that there should be no access to any proposed development via Stag Lane and Cheltenham Way. This would guarantee that Stag Lane could not be used as a 'rat-run' to the A167, and would not worsen an already dangerous stretch of residential road.

We ask that the area around Woodham Burn be protected for environmental reasons, allowing the Nature Trail to be further extended and improved, perhaps by further planting and the creation of a permanent wild-life pond, rather than the current seasonal pond, to the south of Cheltenham Way.

We ask that, before permission is granted, there should be full community involvement and discussion regarding the magnitude of this development and the adverse effects on both the environment and the local community that this development will cause.

We ask that reference be made to Planning Policy Statement 1 (PPS 1), - this should be enshrined in the Regional Spatial Strategy - especially items 5,11,12,17,18,34,40,41 and 43, which largely call for the involvement of the community at an early stage and precludes developments that fail to take the opportunities for improving the area.

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When the petition was examined, it appears that there were sixteen instances of individuals having signed on behalf of one or more other residents living at the same address.

### **Comments Added To Standard Letter**

In addition to the letter above, some residents enclosed additional handwritten comments added at the end of the letter shown above:

8        Middleham Way  
Threat posed to existing wildlife adjacent to burn.

17       Cowdray Close  
States that the area needs additional recreational facilities rather than extra housing and argues that extra housing will not address the issues of gangs of youths with "nothing to do".

1        **Loather Drive**  
Expresses concern over expected increase in traffic on Stag Lane and states that existing problems at the Stag Lane /Lowther Drive junction with HGV's will be exacerbated.

Claims that Cllr Gray stated that no further Planning Permission would be granted after the Porter development was approved, and that re-alignment of the burn would give rise to a "Death Trap" for children.

**22 Lowther Drive**

Lack of facilities in Woodham which has a large retired population, along with poor bus service and badly maintained buses.

**5 Hickstead Rise**

Threat posed to existing wildlife adjacent to burn & Great Aycliffe way. Loss of open space in Woodham village. Expresses concern over expected increase in traffic on Stag Lane with increased danger to other highway users with increase in noise and disturbance for residents

**21 Windsor Close**

The resident and three neighbours states that they were informed that planning permission for a change of use would be unlikely when they applied for purchase of land in the Woodham Burn Wildlife corridor. Said to be due to impact on Biodiversity.

**2 Kenilworth Court**

States that no further Planning Permission would be granted after the Porter development was approved. Claims that there is an access to that development shown on a plan to allow developer to harvest his hay but argues that this could also be used as an access for future developments. Also alleges that planning department have shown lack of diligence/neglect of duty to the extent that they weren't aware that entrance shown is not used and is actually blocked by mature trees.

**Other individual comments submitted by residents and local groups:**

**5 Windsor Close**

Original plan was for recreational purposes and not for housing development - expresses view that the developer was not honest in his initial approach on this matter as were the council.

Land has in the past been subject to severe flooding and new housing will only add to the flooding problem. States that action will be taken against the Council to recover costs if flooding occurs due to development.

Access via Stag Lane is not viable as it struggles at present and would no longer be safe children playing in the streets – could result in a child being seriously injured or killed.

*Loss of green belt and wildlife habitat.*

The number and density of the buildings is in complete contrast to other housing in the area - 5.1 hectares not enough for 100 buildings.

Plan extends into the open countryside which contravenes the current policy of the council.

**6 Windsor Close**

Original planning application was for outdoor recreational use not housing development Land in that area prone to severe flooding – new development would make things worse.

Expresses doubts about appearance and effectiveness of drainage system.

Proposed access to Woodham via the A167 poses an Increased risk of road accidents, if such access was granted it would increase the flow of traffic into Woodham further congesting the A167

Asks how access to the development from Stag Lane as an emergency link be maintained.

If it becomes a bus route as suggested it will increase the noise and disruption.

The area at the bottom of Stag Lane / Cheltenham Way currently used by Children playing In the quiet cul-de-sac of Gatcombe etc will become a busy road Increasing the risk to children and residents.

Believes site to be 2.2 hectares but the proposed development is using only 0.5 hectares If accepted, the proposal may open up the area for more applications for housing etc.

**11 Windsor Close**

Permission originally granted for an Outdoor Leisure Complex, which is totally different to the proposed housing development

Long history of permission being denied to planning applications involving new access onto the A167

Proposed access onto this housing development from Cheltenham Way would bring unacceptable level of noise and a significant danger to the children in surrounding streets

Density of proposed development would result in too many cars for the amount of parking available.

Additional housing would only add to severe flooding problems by increasing volumes of waste water

Redirection of the stream is likely to have impact on the local wildlife.

Questions if water voles (protected under the Wildlife and Countryside Act) live in vicinity of stream  
The proposed play area benefits are outweighed by the threat of disturbance and anti social behaviour. Adverse affect on house values in the Woodham Village and quality of life for its current residents.

Points out that Council's own website states that planning permission would not normally be granted for developments that would generate traffic – feels that these proposals would do this.

#### **17 Windsor Close**

The proposed development is in a green wedge and would not satisfy the aims of preserving green wedge in the local plan.

Concern for loss of wildlife.

Building the proposed development would not satisfy the requirements of PPG3.

Concerned that the play area would attract anti social behaviour and is too close to existing houses.

The footpath linkage would give rise to loss of amenity through extra noise and loss of privacy.

A167 access is a potential safety hazard.

Traffic congestion would arise on Stag Lane/Cheltenham Way.

Extra demand for school places would arise and would affect educational standards.

The proposed home density for the given land area is too high.

#### **20 Windsor Close**

*The Stag Lane access is inadequate for current traffic volumes and the road layout is poor giving rise to accidents before the development is in place.*

Concern over felling of trees and loss of wildlife in the green corridor of Woodham Burn.

A167 culvert is inadequate for current housing levels- more housing will lead to more flooding.

#### **1 Gatcombe Close**

*Additional Stag Lane/Cheltenham Way traffic will result in increased hazards.*

*The A167 T junction proposed will also create additional hazards.*

*Re routing of the burn will cause problems for the A167 culvert and damage to the surrounding environment.*

#### **3 Gatcombe Close**

Asks if the proposal has been discussed with Environmental Engineers with respect to reduction of flooding and asks if it takes account of extra water generated from proposed development.

Believes (erroneously) that the proposal is for 150 "affordable" houses (Actually less than 33% of the 150).

Wishes that the development is along the same lines as the rest of Woodham.

#### **4 Gatcombe Close**

Has asked the Sedgefield Borough Council "Planning Inspector" to provide copies of the original planning proposals for the recreational facilities of three years ago.

#### **5 Gatcombe Close**

The proposal beaches Policy 39 of the Regional Spatial Strategy.

The proposal beaches planning policy, as it would be built on an existing flood plain.

The Woodham burn diversion would not alleviate the risk of flooding – A167 culvert and existing surface drainage are already inadequate and the water storage capacity of the left bank will be removed.

Proposed access from A167 would be dangerous due to poor sight lines.

Proposed access from Cheltenham Way would be impossible to enforce as emergency vehicles access only road and would be used as short cut (rat-run). Also prone to being covered in black ice in winter

Stag Lane could not cope with increased traffic flow it's junction with Cheltenham Way is dangerous.

Burn re routing and building on flood plain would result in destruction of trees, hedge rows and wildlife – would affect pipistrelle bats.

Site is not strategically required for housing needs- other sites have been identified for future growth.

Loss of Privacy for existing dwellings.

#### **7 Gatcombe Close**

Original plan was for recreational purposes and not for housing development.

Land has in the past been subject to severe flooding and new housing will only add to the flooding problem

by its encroachment on to the flood plain. Asks about options to provide solutions to drainage issues. Access via Stag lane is not viable as it struggles at present and would no longer be safe children playing in the streets – could result in a child being seriously injured or killed.

*Loss of green belt and wildlife habitat.*

The number and density of the buildings is in complete contrast to other housing in the area - 5.1 hectares not enough for 100 buildings.

Plan extends into the open country side, which contravenes the current policy of the council.

Original planning application was for Outdoor recreational use not housing development Land in that area prone to severe flooding – new development would make things worse.

Proposed access to Woodham via the A167 poses an Increased risk of road accidents. If such access was granted it would increase the flow of traffic into Woodham further congesting the A167

Asks how access to the development from Stag Lane as an emergency link be maintained.

If it becomes a bus route as suggested it will increase the noise and disruption.

The area at the bottom of Stag Lane / Cheltenham Way currently used by Children playing In the quiet cul-de-sac of Gatcombe etc will become a busy road Increasing the risk to children and residents.

**Believes site to be 2.2 hectares but the proposed development is using only 0.5 hectares. If accepted, the proposal may open up the area for more applications for housing etc.**

Quotes from the SBC website "The council will not normally grant planning permission for development that would generate traffic which would (A) CREATE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS IN TERMS OF LIVING CONDITIONS OF NEARBY RESIDENTS, OR (B) BE DETRIMENTAL TO HIGHWAY SAFETY IN TERMS OF OTHER ROAD USERS" and argues that the proposed development would result in an outcome of these conditions being produced.

Development along the lines of the proposal will also contravene policies that state

THE LAYOUT OF NEW HOUSING DEVELOPMENTS WILL NORMALLY BE EXPECTED TO (B) HAVE A CLEARLY DEFINED ROAD HIERARCHY WHICH SHOULD BE DESIGNED TO EXCLUDE THROUGH TRAFFIC, TO MINIMISE VEHICLE FLOWS PAST HOUSES, AND TO ENSURE SLOW VEHICLE SPEEDS, and HOUSING DEVELOPMENT ON SITES IN NEWTON AYCLIFFE, SPENNYMOOR, FERRYHILL AND SHILDON WILL NORMALLY BE APPROVED PROVIDED THAT THE SITE IS INCLUDED IN POLICY H2 or (A) IS EITHER SUBSTANTIALLY SURROUNDED BY HOUSING, OR (B) DOES NOT LEAD TO AN EXTENSION OF DEVELOPMENT INTO THE OPEN COUNTRYSIDE

### **Burnside, Cheltenham Way & 21 Windsor Close**

*Proposal is in breach of policies H6 and E4 and PPS1, particularly with respect to items 5, 11, 12, 17, 18, 34, 40, 41, and 43.*

*A167 access road would be "highly dangerous".*

*Stag Lane/Cheltenham Way access not acceptable because:*

- *Impossible to enforce as emergency vehicles access only road*
- *Would be used as short cut (rat-run)*
- *Couldn't cope with increased traffic flow – more accidents likely.*
- *Road Safety issue for cars reversing off properties*
- *Poor road sight lines*
- *Significant number of accidents and near misses on existing road layouts*
- *Prone to being covered in black ice in winter*

*Diversion of the burn would result in destruction of trees and hedgerows, and removal of flood plain wildlife habitat.*

*Development would encroach into designated Green Wedge.*

*Development is not Strategically required.*

*Proposed flood measures cannot guarantee protection against future flooding.*

*The respondent would not object to the proposal if it addressed or conformed with:*

- *A167 access was modified to make it safer.*
- *Widening of the burn at "nip" points, transferring material to left bank was undertaken.*
- *Construction of well designed culvert into A167 carried out.*
- *Extension of Aycliffe nature trail to Woodham Burn to include the wildlife pond south of Gatcombe Close.*

- *Adherence to PPS1*
- *Provision of footpath, cycle lanes and bus services to Town Centre.*

## 2 Cheltenham Way

Quotes from the SBC website "The council will not normally grant planning permission for development that would generate traffic which would (A) CREATE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS IN TERMS OF LIVING CONDITIONS OF NEARBY RESIDENTS, OR (B) BE DETRIMENTAL TO HIGHWAY SAFETY IN TERMS OF OTHER ROAD USERS" and argues that the proposed development would result in an outcome of these conditions being produced.

Development along the lines of the proposal will also contravene policies that state THE LAYOUT OF NEW HOUSING DEVELOPMENTS WILL NORMALLY BE EXPECTED TO (B) HAVE A CLEARLY DEFINED ROAD HIERARCHY WHICH SHOULD BE DESIGNED TO EXCLUDE THROUGH TRAFFIC, TO MINIMISE VEHICLE FLOWS PAST HOUSES, AND TO ENSURE SLOW VEHICLE SPEEDS, and

HOUSING DEVELOPMENT ON SITES IN NEWTON AYCLIFFE, SPENNYMOOR, FERRYHILL AND SHILDON WILL NORMALLY BE APPROVED PROVIDED THAT THE SITE IS INCLUDED IN POLICY H2 or (A) IS EITHER SUBSTANTIALLY SURROUNDED BY HOUSING, OR (B) DOES NOT LEAD TO AN EXTENSION OF DEVELOPMENT INTO THE OPEN COUNTRYSIDE

Increased the risk of flooding and assertion that recommendations put forward by the Environment Agency are not being adhered to under this proposed development

Feels that the Council Tax bandings could be lowered (based on own experience as a result of flooding) without adequate flood prevention measures with corresponding impact on house prices.

## 3 Cheltenham Way

Concerned that Emergency Access via Stag Lane/Cheltenham Way will be used as a resident's shortcut and would pose a danger to residents.

Proposed bus route down Stag Lane is "too ridiculous to comprehend"

Stag Lane has a steep hill and blind spot hazards – extra traffic would mean higher likelihood of accidents.

Comments that an access road originally planned for 18 houses was shelved due to flooding issues and asks why an access road for 150 houses in same location is now viable.

Feels that re routing the burn will not reduce risk of flooding and that flooding will be more likely with additional waste water from development.

If development is approved, designated green wedge could become target for developers.

Proposed plans to build play park at an area well away from the main development will lead to under aged drinking, drug taking and anti social behaviour.

## 5 Cheltenham Way

*States that the burn should not be diverted- would result in loss of trees and wildlife including pipistrelle bats, which are a protected species.*

Feels that current flooding problems are in part due to design errors and isn't confident that the proposed burn diversion scheme would get it right first time.

The proposal is not consistent with other housing developments in Newton Aycliffe with regard to green corridors between developments and housing density.

*Stag Lane/Cheltenham Way access to proposed development is not acceptable because it impossible to enforce as an emergency vehicles access only road and would be used as short cut (rat-run).*

*It is also said to be unable to cope with increased traffic flow – more accidents likely and prone to being covered in black ice in winter*

## 6 Cheltenham Way

Quotes from the SBC website

**THE COUNCIL WILL NOT NORMALLY GRANT PLANNING PERMISSION FOR DEVELOPMENT THAT WOULD GENERATE TRAFFIC WHICH WOULD,**

**(a) CREATE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS IN TERMS OF LIVING CONDITIONS OF NEARBY RESIDENTS, OR (b) BE DETRIMENTAL TO HIGHWAY SAFETY IN TERMS OF OTHER ROAD USERS** and also quotes

**Section III**

**HOUSING DEVELOPMENT ON SITES IN NEWTON AYCLIFFE, SPENNYMOOR, FERRYHILL AND SHILDON WILL NORMALLY BE APPROVED PROVIDED THAT THE SITE IS INCLUDED IN**



**POLICY R2 or (a) IS EITHER SUBSTANTIALLY SURROUNDED BY HOUSING (b) DOES NOT LEAD TO AN EXTENSION OF DEVELOPMENT INTO THE OPEN COUNTRYSIDE**

And Section D5 Para (b) **HAVE A CLEARLY DEFINED ROAD HIERARCHY WHICH SHOULD BE DESIGNED TO EXCLUDE THROUGH TRAFFIC, TO MINIMISE VEHICLE FLOWS PAST HOUSES, AND TO ENSURE SLOW VEHICLE SPEEDS**

Feels that the developer submitted a planning application for change of use of an outdoor recreation *leisure site* to one of housing deliberately, rather than submitting an application for a housing development from the outset.

No consideration has been made to the serious issues of wastewater or the potential flood plain Re-routing Woodham Burn won't help the flooding situation - only move the problem.

Quotes Section D5 Para (b)

**HAVE A CLEARLY DEFINED ROAD HIERARCHY WHICH SHOULD BE DESIGNED TO EXCLUDE THROUGH TRAFFIC, TO MINIMISE VEHICLE FLOWS PAST HOUSES, AND TO ENSURE SLOW VEHICLE SPEEDS**

And goes on to assert that the proposal with regard to access from the A167 for an extra 150 dwellings disregards Section D5 above. Feels that the Emergency Access via Stag Lane/Cheltenham Way will be used as a residents shortcut and won't be policed – "a recipe for disaster"

Proposed plans to build play park at an area well away from the main development will lead to under aged drinking, drug taking and anti social behaviour.

## **12 Cheltenham Way**

Development would increase the likelihood of flooding in Gatcombe Close and Cheltenham Way.

*Feels that the developer submitted a planning application for leisure site deliberately, rather than submitting an application for a housing development from the outset.*

*Stag Lane/Cheltenham Way access to proposed development is not acceptable because it impossible to enforce as an emergency vehicles access only road and would be used as short cut (rat-run).*

More accidents likely and prone to being covered in black ice in winter.

Concern that diversion of the burn would lead to instability of land at rear of resident's garden.

Play area would acts as a magnet for anti social behaviour.

Demand for housing (states that some in area unsold for months) doesn't justify number of houses in the proposed development.

Concern for loss of wildlife if burn is diverted.

States that under Section H6 of Local plan, houses in the area cannot be compatible with the green wedge policy and questions if the developer sees an opportunity to get plans passed before a new housing policy is drawn up in 2008.

## **18 Cheltenham Way**

Existing number of play parks are adequate and the proposed play area would acts as a magnet for anti social behaviour.

Diversion of burn would have adverse effect on wildlife including protected species of bat.

Proposed Stag Lane access would lead to increased congestion, problems for pedestrians especially children and pollution.

## **19 Cheltenham Way**

Concern about excessive levels of traffic and additional noise.

*Excessive number of homes in the proposed development*

*Approval would set a precedent for the developer to try and develop on more Green Belt land.*

## **25 Cheltenham Way**

The land and surrounding areas have been subject to severe flooding -further properties will add to the flooding problem with more waste water.

If the Burn is redirected, flooding will probably occur elsewhere in the area

There is Insufficient Infrastructure in place in Woodham and Newton Aycliffe for a further 150 houses.

Concerned that local police (already stretched) will not be able to cope with the additional demands.

Entrance to the development from Cheltenham Way between two houses will create even more traffic up and down Stag Lane.

Development will add to the bottle neck already present at the end of Woodham Way at peak times.

Developer has allowed for 296 cars on the development - extra vehicles which will access this estate such as taxis, refuse collectors not taken into account and will add to pollution, noise, disturbance and make parking in this already crowded area intensely difficult  
Area designated for recreational use NOT housing.  
Loss of valuable habitat area for wildlife which is totally unnecessary  
Demand for housing in the area is low with sufficient new houses, existing houses and "affordable" housing on the market.  
A167 is "a dangerously busy section of road" and access road proposed would have to cope with 200/300 vehicles daily posing additional hazards for young children exiting the estate.  
Development will cause severe traffic problems, dust, dirt, noise, pollution, and overcrowding.

## **28 Cheltenham Way**

*Additional bus traffic along Stag Lane would lead to increased congestion.*

Emergency access route could be used as a "Rat Run".

Existing amenities are inadequate and would be more inadequate for a further 150 households.

## **29 Cheltenham Way**

*Stag Lane and A167 access roads unsuitable – many accidents currently experienced. Extra Traffic will make things worse. Questions demand for development as many properties are for sale because in Newton Aycliffe and asserts that the development is purely to serve the financial standing of the landowner.*

## **1 Stoneleigh Court**

Previous applications for direct access from the A167 were consistently refused on the grounds of road safety

The reasons for the original refusal have not changed and should not be granted for this development

The access roads and the proposed streets around the development are not capable of handling extra volume of traffic and would present a major traffic hazard in a prime residential area.

The number and density of the housing does not seem to be in contrast with other housing in the area.

This development would cause the loss of the green belt area, between Woodham Village and the A167.

Original permission was granted for Outdoor Recreational purposes, not housing development

This land has been the subject of severe flooding in the past This development will only make this situation worse.

## **5 Stoneleigh Court**

Questions the Sedgefield Borough Local Development Plan (Oct 1996 - Dec 2006).

In the Stoneleigh and Stag Lane areas, flooding was created by the first phase housing development on the original equestrian centre site.

Contends that a serious error was made when consideration was given to developing that site and feels similar mistake could be made with this application.

Previous A167 access to equestrian centre refused on grounds of safety.

Disagrees with Traffic flow Assessment on the stretch of the A167 between Newton Aycliffe and Rushyford –says it has increased significantly, not decreased.

The proposed access via Cheltenham Way is not acceptable as an access road for emergency vehicles and cannot be enforced against being used as a "Rat Run".

## **6 Stoneleigh Court**

The original permission was for outdoor recreational purposes and this proposal breaches Policy 39 of the Regional Spatial Strategy.

The development will cause severe traffic problems and will be detrimental to highway safety.

The development leads to a loss of Green Belt and the diversion of the burn will result in loss of wildlife habitat.

## **7 Stoneleigh Court**

Proposal would be "be tantamount to destruction and Irrevocable change to our natural environment" for the short-term gain of a developer.

Proposal would affect wildlife, water table level, foundations (subsidence effects) and removal of natural windbreaks and disturbance to the trees in the local area.

Contends that developer is cramming highest possible level of "affordable" housing in site to achieve maximum housing density to maximize profit.

States that previous applications have been rejected on similar grounds, therefore a precedent has already been set.

Original permission was granted for Outdoor Recreation purposes - not housing development.

Change to the course of the burn is "damaging".

The land has in the past been subject to severe flooding and new house will only add to the flooding problem when considering waste water.

The proposed housing development would adversely affect neighboring properties by encroaching upon the flood plain where flood water needs temporarily to be accommodated.

Woodham School is already having problems with drainage of waste water.

The proposed entrance to the A167 will be located on a road with many accidents in the past - problems would ensue with another access

If such an access were granted this would become a major access point for persons travelling to and from the Woodham area

The access road via Stag Lane and the proposed streets around the new development would struggle to deal with the amount of traffic that would use it, leading to problems with highway safety

The development would cause the loss of the green belt between Woodham Village and the A167.

If permission were granted to build housing, further applications would be sought for the remaining land to the south of the development worsening the problems highlighted.

Past applications for the site have been turned down - partly in reference to local residents objections

The number and denser of the housing does seem to be in contrast to other housing in the area

The previous Housing Plan (H2) only allocated 5.1 hectares of land and 100 buildings.

There are already adequate Identified locations in Newton Aycliffe and Woodham areas to cater for population growth and housing needs.

Quotes from the SBC website

**THE COUNCIL WILL NOT NORMALLY GRANT PLANNING PERMISSION FOR DEVELOPMENT THAT WOULD GENERATE TRAFFIC WHICH WOULD,**

**(a) CREATE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS IN TERMS OF LIVING CONDITIONS OF NEARBY RESIDENTS, OR (b) BE DETRIMENTAL TO HIGHWAY SAFETY IN TERMS OF OTHER ROAD USERS** and also quotes

**Section III**

**HOUSING DEVELOPMENT ON SITES IN NEWTON AYCLIFFE, SPENNYMOOR, FERRYHILL AND SHILDON WILL NORMALLY BE APPROVED PROVIDED THAT THE SITE IS INCLUDED IN POLICY R2 or (a) IS EITHER SUBSTANTIALLY SURROUNDED BY HOUSING (b) DOES NOT LEAD TO AN EXTENSION OF DEVELOPMENT INTO THE OPEN COUNTRYSIDE**

And Section D5 Para (b) **HAVE A CLEARLY DEFINED ROAD HIERARCHY WHICH SHOULD BE DESIGNED TO EXCLUDE THROUGH TRAFFIC, TO MINIMISE VEHICLE FLOWS PAST HOUSES, AND TO ENSURE SLOW VEHICLE SPEEDS**

## **10 Stoneleigh Court**

*Huge traffic problems exist already and the road network hasn't been modified to alleviate the problems - this development would make things worse.*

### **1 Burghley Mews**

This land is subject to severe flooding. Possible consequences for insurance of properties if the course of stream altered along with impact on wildlife. Objects to removal of trees and this impact this would have birds and other wildlife.

The proposed access/exit to A167 would pose serious hazards and congestion problems. Dirt and noise from construction site. Low cost housing on the site will increase demand for schools other low cost housing is already available. Woodham was developed with the village environment theme – this development will not improve the quality of life for existing residents

### **6 Burghley Mews**

Land was intended for recreational purposes not residential.

The local roads are inadequate for increased traffic i.e. Stag Lane

Flooding is already a problem at the rear of the McLean's houses it seems silly to build more houses on a flooded area.

The development leads to a loss of Green Belt

## **9 Mulgrave Court**

This land is subject to severe flooding and further development will make things worse. Entrance at bottom of Cheltenham Way will create additional traffic leading to more congestion and exhaust emission pollution on Stag Lane.

Developer has failed to take into account taxis, buses, and delivery vehicles and refuse collection wagons into estimate of additional cars (296).

More accidents likely on A167, which already has blind spots at "dangerous high risk junction".

Insufficient infrastructure to serve an additional 150 houses.

Additional noise, dust, dirt and pollution would be generated.

## **11 Grindon Court**

Points out that access along Stag lane for Equestrian Centre events was judged to be inadequate and asks why this is not the case also for proposed development.

Development would see removal of green wedge and suggests that a more appropriate use would be as a woodland or country park.

## **7 Middleham Way**

Previous applications made for access onto the A167 through the Equestrian Centre were opposed, as the access would be dangerous and likely to cause accidents.

Feels that approval of application could lead to further housing development on green wedge land.

Development would present a view of a large cluttered housing estate in an existing rural backdrop.

*Impact on wildlife if the course of stream is altered. Objects to removal of trees and this impact this would have birds and other wildlife.*

## **1 Hickstead Rise**

*Diverting the burn will remove green land and won't guarantee removal of flooding risks from an area already prone to flooding – lower area is on a flood plain.*

*The burn is unsightly and would be detrimental in appearance for new residents of the development.*

*The diversion appears to have a deep ditch, which is a safety hazard, and problems could arise where the burn enters a culvert.*

*Previous A167 access application refused on safety grounds. A167 Traffic volumes have increased.*

*Stag Lane traffic will increase considerably- road was never designed to carry expected volume of through traffic.*

*Area was never intended to have this level of high density development.*

*Development will give rise to increasing levels of anti social behaviour.*

## **7 Hickstead Rise**

*Development on a green buffer will lead to increased noise, traffic volumes and deterioration in quality of life with increased traffic hazards arising from proposed A167 access.*

*Increased flooding problems.*

## **4 Hind Court**

*Feel that outdoor recreational land is needed for the area rather than extra housing.*

Entrance and Access roads for development would cause problems for all of the Woodham area.

Stag Lane already used as a "Race Track" despite speed ramps – more accidents likely if extra traffic from development were to arise as the road could be used as a short cut.

Additional housing would add to flooding problems.

Loss of Green belt land.

If approved the proposal could result in further loss of green belt land.

## **7 Kempton Close**

The site for the proposed development fails the sequential test, as more sustainable Brownfield sites are available.

The proposed Development would result in an inherent dependence on motor vehicle ownership due to it's distance from bus routes schools and shops, thus undermining it's affordable housing status.

Site is prone to flooding and the development would exacerbate the risk due to extra volumes of water produced despite the re routing of the burn

The development could impede the free flow of traffic on the A167.

Only one footpath appears to be provided which is insufficient to serve the proposed number of properties.

Cheltenham Way would be less likely to provide an area where children can play in relative safety.

Displacement of wildlife habitat – the resident assumes that an adequate ecological survey has been produced.

#### Kempton Close

*Believes that the proposal would delay adoption of Ashwood Park and that Sedgfield Borough Council would neglect the public open space in both areas.*

*Disruption for children travelling to/from school.*

*Loss of wildlife habitat.*

*Increased danger to children playing in the streets.*

*More accidents likely on A167 access.*

*Suggests that existing social health and retail facilities are inadequate for extra residents in proposed development.*

*Questions demand for development as many properties are for sale in Newton Aycliffe and are not selling quickly.*

#### Lowther Drive

Asks if the developer submitted a planning application for change of use of an outdoor recreation leisure site to one of housing deliberately, rather than submitting an application for a housing development from the outset.

Existing problems with flooding likely to be exacerbated by the proposed development – not clear what options have been put forward to address this.

Expresses concern over highway safety on A167 and Stag Lane because of additional volumes of traffic from development.

Loss of Green belt land and significant impact on local wildlife.

Approval of this application could set a precedent and further development on green belt may be sought.

Past applications have been refused for projects of similar nature to proposed development.

Housing Plan H2 specifies 100 buildings on 5.1 hectares of land, not 150 as per the proposed development.

Existing sites for housing are available in Newton Aycliffe/Woodham area, which would not impact on wildlife.

### **5 High Green**

*New volume of housing would generate a need for a Primary School.*

Extra volumes of Traffic would cause congestion on Stag Lane.

Loss of Green Belt land.

### **4 Barnard Close**

*Questions if the proposal will lead to the rest of the Equestrian centre land being developed for housing.*

Concern over increased traffic volumes with extra 300 vehicles associated with the development.

### **11 Stag Lane**

At peak times Stag Lane is already a busy thoroughfare with traffic calming measures and cars travelling at excessive speeds - raises questions over suitability as an emergency access road.

Concern that Stag Lane and parts of Cheltenham Way home owners and visitors use the grass verges in front of properties for additional parking. This further reduces the capacity of the road to accommodate the additional 400 plus vehicles anticipated This also has significant implications for the extension of bus services proposed in the application

Raises the issue of the secondary access for emergency vehicles off Cheltenham Way (and Stag Lane) being used as a short cut to the A167 not being fully considered and causing significant traffic issues.

### **14 Stag Lane**

Original permission was given for Outdoor Recreation Purposes - not housing development

The land has been subject to severe flooding = new housing waste water will add to the flooding problem. The proposed entrance on the A167 will be located where many accidents have already

occurred.

If access was granted it is likely that the road will become a major access point for the Woodham area leading to problems with the amount of traffic coming through Stag Lane

Loss of 'Green Belt' existing between Woodham Village and the A 167.

Past applications have been turned down partly with reference to local residents' objections.

The number and density of the housing is in contrast with other housing in the area.

The proposed access via Cheltenham Way is not acceptable as an access road for emergency vehicles and cannot be enforced.

Stag Lane is a narrow road on a steep hill which could not cope with a big increase in traffic.

Stag Lane and Cheltenham Way junction has poor sight lines and is dangerous - problems with ice and car accidents have been reported.

### **16 Stag Lane**

Feels that emergency access via Stag Lane/Cheltenham Way will be used as a resident's shortcut and would pose a danger to residents.

*Stag Lane couldn't cope with increased traffic flow – more accidents likely.*

*Stag Lane junction with Cheltenham Way is dangerous. Prone to being covered in black ice in winter.*

*Concern over increased likelihood of flooding arising from proposed development.*

### **15 Hylton Close**

The development would be on land which is green belt space. Approval of application, could lead to further applications which might result in no green space on this side of the town

Asks if an ecological, botanical, habitat assessment & survey on any possible impact on flora, fauna, land & aquatic creatures been carried out.

Asks if an assessment of the possible accident risk & traffic hazards has been carried out & will Durham County Council be consulted re this?

Suggests that the Developer could request that a closed road (due to being a safety hazard) be reopened and other access points allegedly not shown on plan might be allowed.

Claims that the Landowner & Property Developer had an ulterior motive that they would, after a period of time, say it was not a viable operation & then apply for permission to build houses on this land

Argues that a Green Belt Area was no obstacle to the Landowner built a hotel & buildings on part of the Stag Lane area of the Green Belt land, demolished them, then built houses on the site & more

Asks if the Property Developer have the assets, expertise & experience to build 150 houses, or are they just a "front company" for the Landowner, who could sell this land with building permission.

Requests that the 2004 approval for the Leisure Development be retrospectively cancelled as it is obvious that it was never intended to be activated.

### **25 Lowther Drive**

*Disturbance and mess resulting from site construction traffic.*

*Loss of green belt and wildlife will arise, especially from diversion of burn.*

*Belief that the "Affordable Housing" will reduce existing property values.*

*Questions demand for an additional 150 houses in the area.*

*Asserts that diversion of the burn will move the flooding problem, not alleviate it.*

### **28 Lowther Drive**

*Based on experience in a previous area of "over development", this will lead to extra traffic, noise and loss of habitat for wild birds and remaining wildlife will be threatened by influx of domestic cats. No provision in the proposed development for children/teenagers which could lead to anti social behaviour.*

### **33 Lowther Drive**

Previous applications made for access onto the A167 through the Equestrian Centre were opposed, as the access would be dangerous and likely to cause accidents

Accidents are still occurring at the current access areas into Newton Aycliffe

Development of 150 homes would increase the volume of cars by two/three hundred

Questions if Stag Lane would be able to cope with this extra amount of traffic Public safety would surely be brought into question

Traffic calming measures in place ignored.

Could Woodham Way cope with the extra volume of traffic, which is already littered with parked cars on verges and roadsides?

Suggests that Woodham Way should have a no parking policy, enforced via yellow lines, making it safer for the traffic and public Asks how increasing speed of cars along Woodham Way would be restricted, particularly on the sections between Brafferton Close and Elizabeth Close which are used as a route to Woodham Comprehensive?

Loss of the green belt, which is currently between the A167 and Woodham Village.

Concerns about current and increased risk of flooding.

Loss of wildlife and nature

Suggests that existing social. Health and retail facilities are inadequate for extra residents in proposed development.

*Asks why housing was demolished in Newton Aycliffe can't be redeveloped instead of taking away "our last 'little bits' of countryside"*

## **5 High Green**

*Re routing of Burn will move flooding elsewhere- probably A167 culvert. Suggests slowing the burn and give it room to flood naturally.*

A167 Access would be dangerous, especially with increase in Traffic associated with development.

Concern over increase in volumes of traffic- Cheltenham Way never designed to take anticipated volumes generated by proposed development.

Concerned that Emergency access via Stag Lane/Cheltenham Way will be used as a resident's shortcut and would pose a danger to residents.

Density of Dwellings in proposed development too high and not enough provision of garages.

Loss of land available for recreational purposes.

Proposed play area is too remote from development.

No provision for local social amenity and shopping facilities or Primary schooling.

## **9 Hylton Close**

*Land designated as Green Belt – if application is approved it would set a precedent for further green belt development and reduce the amount of green belt in the area.*

A167 access would be dangerous, especially with increase in Traffic associated with development and drivers would make dangerous manoeuvres to avoid a lengthy drive to Rushyford.

Highlight bus route problems for development- bus stop on east side would lead to pedestrians being at risk.

## **20 Farnham Close**

*Feels that the development could give rise to an additional 250 vehicles, which will cause severe congestion at the Woodham Way/Burnhill junction.*

## **Sedgefield Swimming Club**

Concerns over additional traffic that the development would generate – the Equestrian centre was said to have closed due to Stag lane being unable to cope with high traffic levels.

## APPENDIX 2 - AFFORDABLE HOUSING ANALYSIS

### Site size

This application at Woodham Burn, Newton Aycliffe is for approximately 150 dwellings. Given the size of the site, it exceeds the size threshold (15 dwellings) where there is a requirement to provide affordable dwellings if a need can be demonstrated.

### Tenure of affordable dwellings

Whilst PPG3 allows discounted market value dwellings as affordable, there has been a sea-change in the definition of affordable housing through the draft PPS3. Discounted market value housing has been excluded from the updated definition of affordable housing. I would therefore suggest that discounted market dwellings should not be proposed in this scheme as they could not be classed as affordable housing. This is backed up by the emerging local definition of affordable housing by the Scrutiny Review Group (although this is not publicly available yet).

Affordable dwellings are defined as either social rented dwellings or intermediary dwellings e.g. shared equity.

If a need can be demonstrated, the applicant should provide a combination of the two affordable housing tenure types on the site. The proportion of which should be subject to further debate in this response.

### Need for affordable housing

The approach we have taken elsewhere involves an interrogation of the following issues to decide whether there is a need for affordable provision.

- Housing Needs Survey
- House Price Data
- Household Incomes
- Housing Waiting Lists
- Housing Provision surrounding site

### Housing Needs Survey

The last complete Housing Needs Survey was produced in 2003. This identified that there was a shortfall in affordable stock in 1, 2 and 3 bed flats, 2-bed bungalows, 1 and 4-bed houses in the Newton Aycliffe sub-area. The Housing Needs Survey was suggested that as a mechanism to overcome the shortfall in affordable provision across the Borough, a minimum of 20% affordable provision should be sought on every planning application for housing development. The planning permissions recently granted at Grayson Road, Spennymoor and Thorns' site, Spennymoor, will contribute towards addressing this affordable need elsewhere in the Borough.

### House Price Data

To analyse house price data, we interrogate the online postcode data on the HM Land Registry website. Over the period since the questionnaire on the Housing Needs Survey in 2002, the house prices within the specific Newton Aycliffe postcode area DL5 4.



	Detached Price		Semi Detached Price		Terrace Price		Flat/Maisonette Price		Overall Price	
Jul - Sept 2002	£117,169	<b>+55.59%</b> <b>(+45.37%)</b>	£65,018	<b>+100.33%</b> <b>(+50.18%)</b>	£39,488	<b>+123.80%</b> <b>(+53.96%)</b>	£0	<b>+0%</b> <b>(+32.23%)</b>	£87,645	<b>+62.38%</b> <b>(+35.43%)</b>
Jul - Sept 2006	£182,305		£130,250		£88,375		£0		£142,319	

Table showing % changes in prices for the period Jul-Sept 2002 to Jul-Sept 2006 inclusive. (Figure in parentheses is the overall England & Wales figure)

It is clear from this data that the house prices in Newton Aycliffe have risen by a significant amount, far in excess of the national average.

### Household Income

The Housing Needs Desktop Update that was carried out in 2005 identifies that household income has increased by 7.6% between 2003 and 2005. This figure applies to the Borough and it cannot be broken down into sub-areas. This research identifies that 49.1% of the Borough's households have an income level below £16,140. Even more important is the information for concealed households. The data states that 67% of these concealed households have an income level below £16,140. The primary reason for concealed households is the fact that they cannot gain access to the private housing market.

It is clear from the up-to-date housing data from the Land Registry that the concealed households would not be able to enter the private sector housing market, even at entry terraced level (assuming a mortgage of 3 times income).

### Housing Waiting Lists

The Housing Department have provided information regarding the demand and supply of Council-owned houses and bungalows in Newton Aycliffe. This information shows that there is a current waiting list of 438 applicants for houses, 227 applicants for bungalows, and 141 applicants for flats. There is a clear demand for affordable provision in Newton Aycliffe.

### Housing Provision Surrounding Site

Given that the site lies in an area of Newton Aycliffe where the principle type of housing is larger more expensive executive housing, there is not a sufficient amount of affordable housing immediately surrounding the site. This therefore means that should the Council be minded to approve this scheme, affordable housing should be provided on the site.

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5. 7/2006/0687/DM APPLICATION DATE: 23 October 2006

PROPOSAL: **CHANGE OF USE FROM RESIDENTIAL TO CHILDRENS HOME**

LOCATION: **1 THE VILLAS FERRYHILL DL178NT**

APPLICATION TYPE: Change of Use

APPLICANT: The Cares Group  
The Old Hall, Byers Green, Spennymoor, Co Durham ,

**CONSULTATIONS**

1. FERRYHILL TOWN COUNCIL
2. Cllr. J. Higgin
3. Cllr K Conroy
4. Cllr. R A Patchett
5. DCC (TRAFFIC)
6. BUILDING CONTROL
7. Commission for
8. ENGINEERS
9. ENV. HEALTH
10. SOCIAL SER.
11. L.PLANS
12. Rodger Lowe

**NEIGHBOUR/INDUSTRIAL**

The Villas:2,3,4,5,6  
Nursing & Residential Homes  
Lightfoot Terrace:35,34,33,32,31,30,29,28,27  
Stephenson Street:68,70,72,74,76,78,80,82,84,86,58,60,62  
Woodlands  
Denehurst  
Westcott Terrace:30,29,28,27,26,25,24

**BOROUGH PLANNING POLICIES**

H18 Acceptable Uses within Housing Areas  
H22 Sheltered Accommodation, Residential Care and Nursing Homes  
D3 Design for Access  
D5 Layout of New Housing Development

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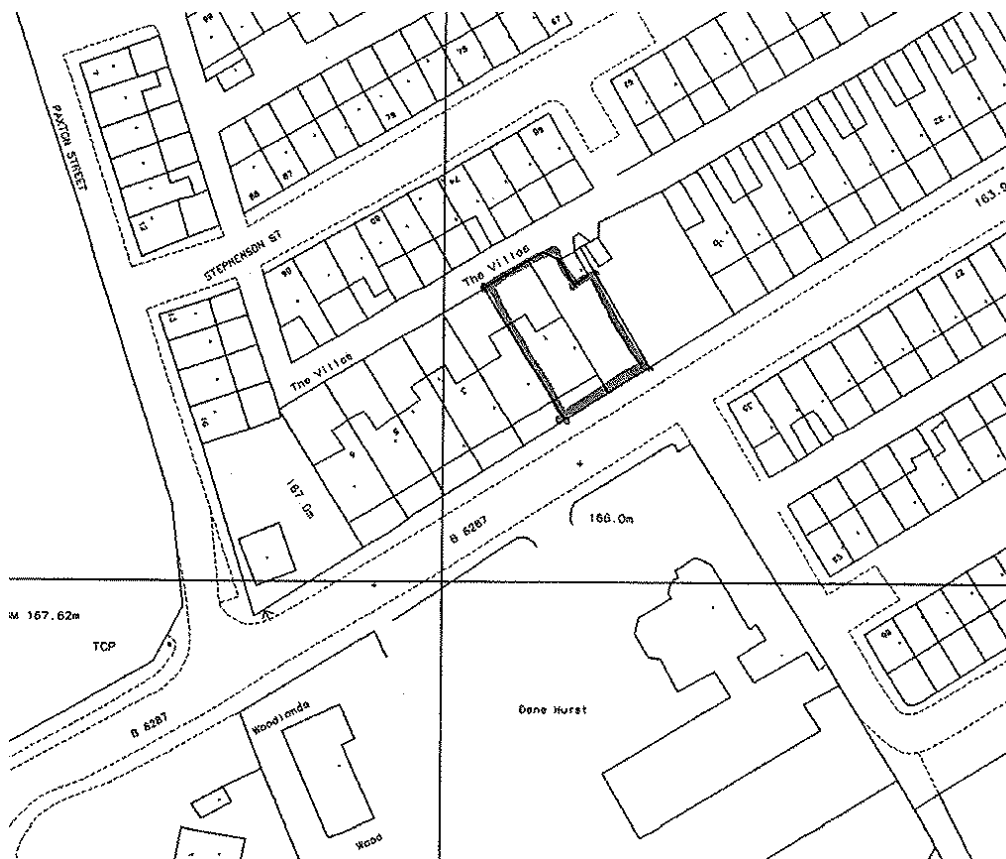
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This application would normally constitute a delegated matter under the approved scheme of delegation. It is however being presented to Development Control Committee at the request of a Member of the Council in order that all aspects of the application are explored.

**PROPOSAL**

Planning permission is being sought by a company known as the 'The Cares Group' to change the use of 1 The Villas Ferryhill from a residential dwelling house to a children's home. The applicants have indicated that the premises are expected to replace their existing premises in Crook, which is now considered too small and poorly located.

*Number 1 The Villas is an end terrace property, sited adjacent to an enclosed area of open space to the east. Planning permission has recently been granted to infill this space with 2 new dwellings subject to conditions (planning ref: 7/2006/0592/DM). To the front of the property, number 1 The Villas fronts a busy public highway (the B6287) and is located opposite a large care home for the Elderly. To the rear, a small yard bounds a rear alleyway intended to be used for vehicular access to the property, with further terraced properties lying beyond on Stephenson Street.*



**SITE LOCATION PLAN**

The applicant in response to growing public interest has submitted the following information:

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The property will house up to 3 young people (aged between 10 and 17 years old.) These will be children with 'challenging behaviours'.

"No young people will be accommodated which have been identified as having severe learning difficulties, a mental health diagnosis, severe drug or alcohol problems or a physical disability." Further research has identified that all of these occupants will be "Local Authority Children."

There will be a turnover of children at the property, but it is confirmed that 3 will always be the maximum number.

*In terms of staffing, there will always be between 2 and 4 staff working within the building at any one time. There will be two staff working evenings, with one on call.*

*A manager will work on site 9-5 weekdays and will also be on call on nights and at weekends. There will always be a senior member of staff working on site.*

*The aforementioned staffing levels and the installation of wired alarms will provide sufficient security measures.*

*Finally, none of the children will drive, and whilst there may be occasional visits to the property, these will never be at the same time for different children and largely infrequent. The majority of contacts will be away from the home.*

**CONSULTATION AND PUBLICITY RESPONSES**

Ferryhill Town Council has made no comment to date.

The County Engineer has offered no objection to the proposal. One minor point was that the original gate design leading into the rear private parking area should comprise a single side hung gate opening inwards against the eastern boundary wall. Amended plans showing this detail were requested and have since been received.

Social Services have indicated that they have no concerns about the development but would hope that some modernisation would take place to remove the outside toilet.

The Council's Forward Planning has raised no objection to the proposal. The proposal is seen to accord with Policy H22 of the Sedgefield Borough Local Plan, provided it can be demonstrated that the proposal will not significantly harm the living conditions for nearby residents.

The Council's Arboriculture Officer has raised no objections to the proposal. However, he has pointed out that such a change of use may lead to increased pressure on the two protected trees within the existing curtilage if additional hardstanding areas were created. The applicant is to be advised to seek professional arboriculture and engineering advice first to ensure that the trees are not inadvertently damaged.

As part of the consultation and publicity exercise, site notices were posted adjacent to the site and all immediate neighbours within an approximate 60-metre radius were notified of the

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application. Three letters of objection have been received from local residents and one from the director of the Autumn Care nursing home, which is situated opposite the application premises. The major concerns are summarised as follows:

- *Such a home for children with challenging behaviours should not be placed directly opposite a home for the elderly.*
- *Considering what has happened at Catchgate children's home in Consett there is surprise that another is even considered for Sedgefield Borough (No further information as to what has actually happened at Catchgate Children's home in Consett have been provided. Furthermore, this proposal must be treated on its own merits.)*
- *Knowing children's homes such as this are staffed by a minimum of four people per shift, car parking would be almost impossible. Cars would park on both sides of the road and outside the nursing home. Furthermore, when taking into account the recent permission for a new build adjacent to no.1 The Villas, congestion will only increase and prove hazardous to the children who use this road to reach Ferryhill Comprehensive School. (The Sedgefield Borough and Durham County Highways Engineers have both been consulted and commented on plans submitted to show parking provision – please see later notes.)*
- *There will be an increase in noise coming from within and around the property in question. This may affect privacy.*
- *The majority of young people in the care system have emotional and behavioural problems and tend to gravitate towards what the authority and community are trying hard to stamp out at Dean Bank, Ferryhill (i.e. antisocial behaviour, drugs, violence, robbery and car crime.) Please refer to earlier notes defining the types of behaviour, which will not be present within the property.*
- *Antisocial behaviour and crime in the Dean Bank area is already high enough without a children's home relocating here.*
- *House prices could be affected. (This is not a material planning consideration and has therefore not been taken into account.)*
- *Bearing in mind the 'challenging behaviour', is adequate supervision and security available overnight? (Please refer to earlier notes and 'planning considerations')*
- *This is a residential community and there are many vulnerable children and adults surrounding the property.*

The Bank Residents Association were also notified of the proposal and they have responded to state that they were under the impression that the application had been withdrawn. The residents association have been advised that this is not case and no further comments have been received.

### PLANNING CONSIDERATIONS

The proposal needs to be considered against Local Plan Policies H18 (Acceptable Uses within Housing areas) and H22 (Sheltered accommodation, Residential Care and Nursing Homes.)

Policy H18 states that planning permission for residential institutions will normally be granted planning permission within housing areas so long as they:

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- Comply with other planning policies,
- Do not significantly harm the living conditions for nearby residents,
- Are appropriate in scale and character to the surrounding housing area.

Furthermore, Policy H22 deals specifically with care homes and states that planning permission will normally be granted for residential care homes within Ferryhill provided that:

- It provides a satisfactory vehicular access, parking servicing and amenity areas in accordance with policies D3 and D5,
- The development does not adversely affect the amenity of nearby residents,
- Its location is such that noise and disturbance from existing surrounding uses would be detrimental to residents.

Furthermore, such accommodation should normally be located on level sites with easy access to shopping facilities, community facilities and public transport.

#### **Highway Safety/Car Parking**

The proposal provides for three on site parking spaces which accords with the requirements of the County Engineer who has offered no objection to the proposal. The premises are also situated in close proximity to the centre of Ferryhill and are on a major bus route and these factors will help to reduce the demand for car parking spaces. Furthermore, if visitors did turn up at times when the rear car park is full, these will be able to park in the close vicinity without significantly adding to congestion on the nearby streets. The proposal in highway safety terms is therefore considered to be acceptable.

#### **Design and layout.**

*In terms of design and layout of the site, this application only seeks consent to change the use of the premises and any alterations are confined to the interior of the building. As stated previously, the site benefits from an enclosed, private amenity space to the side, bounded by a substantial bricked wall. The proposal will therefore provide for adequate amenity space for the future occupants of the building. The proposal also maintains the existing tree cover on the site, which are an important amenity feature, which are protected through the imposition of a Tree preservation Order. In view of the foregoing, the proposal is considered to have a negligible impact upon the visual amenity of its surroundings.*

#### **Residential Amenity**

The primary concern of the objectors appears to revolve around the nature and character of the residents. Local residents are fearful that crime and anti social behaviour will increase, the infirm will be at risk and the residents will cause disturbance. Whilst the nature of the residents is not considered to be a land use planning issue the courts have held that public safety is clearly a material consideration particularly in determining planning applications. However, where concerns are imagined as opposed to real the courts have found that little weight can be attached to such concerns. In the absence of any evidence to support the objectors proposition that the residents would be a threat to public safety it would be difficult to demonstrate that the home would be detrimental to the residential amenity of the area. The opposite could be true in

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that the home could operate without having an impact on the area particularly as trained staff will supervise the occupants of the home 24 hours a day. It would therefore be very difficult to substantiate the refusal of planning permission on the grounds that residents could prove to be a threat to the local community.

#### Conclusion

*In conclusion, the proposal is considered to provide a well-sited care facility to provide for the needs of children seeking care and trained assistance. Whilst recognising that public safety is a material planning consideration it is not considered that these outweigh the presumption in favour of development, which accords the Borough Local Plan. The proposal is clearly acceptable in land use terms and provides for adequate car parking and amenity space. The premises are also easily accessible for non-car uses, located on a busy road, which leads straight into Ferryhill Town Centre and all of its services.*

#### HUMAN RIGHTS IMPLICATIONS

It is considered that, in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

#### SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **RECOMMENDATION It is recommended that planning permission be granted subject to the following conditions:**

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: Drawing no. VIL.001.04 rev. A received 21st November 2006.

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. The development hereby approved shall not be occupied until the car parking spaces shown on the approved plans have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be retained thereafter unless otherwise agreed in writing by the Local planning Authority.

Reason: To comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

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4. Trees that are to be retained must be protected following the guidelines set out in BS5837:1991 'Trees in relation to Construction' Chapter 8. Prior to the commencement of development a Tree Protection Zone (TPZ) shall be identified and submitted by the Local Planning Authority for approval. The TPZ shall then be marked out by the installation of Heras fencing back braced every other panel, with the feet permanently pinned in place. Connecting clips must have the nuts on the inside of the fencing. The fencing shall then not be moved or removed until written agreement of the Local Planning Authority. There shall be no storage of materials or machinery within the TPZ.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

**INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION** In the opinion of the Local Planning Authority the proposed development is acceptable in scale and character to the housing area and would not significantly harm the living conditions for nearby residents.

#### **INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H18 Acceptable Uses within Housing Areas

H22 Sheltered Accommodation, Residential Care and Nursing Homes