



County Planning Committee

Date Tuesday 2 October 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 4 September 2018 (Pages 3 - 14)
5. Applications to be determined
 - a) DM/18/00101/OUT - Land South of Dale Road Industrial Estate, Dale Road, Shildon (Pages 15 - 40)
Outline planning application for residential development (Use Class C3) together with access, open space and landscaping with all matters reserved except for access.
 - b) DM/18/01431/OUT - Land at Rodridge Farm, Rodridge Lane, Station Town, Wingate (Pages 41 - 68)
Residential development of 88 dwellings (outline, inc. access)
 - c) DM/18/01812/FPA - Land to the North of Middridge Road, Newton Aycliffe (Pages 69 - 96)
16 additional dwellings linked to DM/16/00985/OUT
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
24 September 2018

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Hawley, I Jewell, C Kay, A Laing,
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,
P Taylor, M Wilkes and S Wilson

Contact: Ian Croft

Tel: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 4 September 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, J Clare, I Jewell, C Kay, A Laing, L Maddison, H Nicholson, G Richardson, A Shield, A Simpson, P Taylor, F Tinsley (Vice-Chairman), M Wilkes and S Wilson

1 Apologies for Absence

An apology for absence was received from Councillor K Hawley.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 31 July 2018

The minutes of the meeting held on 31 July 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/01554/FPA - Land to the west of Browney Lane, Browney, Meadowfield

The Committee considered a report of the Senior Planning Officer regarding an application for an additional 21 dwellings on land to the west of Browney Lane, Browney, Meadowfield (for copy see file of Minutes).

S Eldridge, Team Leader – Central and East provided a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and plans of the proposed house types. The Team Leader reminded the Committee that the application had been deferred from its meeting on 31 July 2018 to allow further consideration of highways matters and for a highways officer to attend the meeting.

The original outline planning consent for the residential development of 271 dwellings proposed the signalisation of the Browney Lane/A690 junction. However it had not been possible to develop a detailed design which overcame specific safety issues which had arisen and a Section 73 application had been approved to withdraw this Condition. The initial consented application could therefore have a negative impacts on the wider area as a result of the signalised junction not being delivered including rat running, an issue with speeding at the approach from St John's Road to the new development, safety for pedestrians walking to school and crossing the A690.

Following discussions between the developer and Council officers the developer had agreed a financial contribution for a traffic calming scheme which would address problems on the local road network. This would include speeding restrictions on the approach from St John's Road to the new development, a new school crossing point, a crossing facility on the A690 and traffic calming on Central Avenue and Dorlonco Villas.

The Team Leader reminded the Committee that the application for consideration was for an additional 21 dwellings on the site and that the principal of non-signalisation of the Browney Lane/A690 junction had already been approved. The net increase of 21 dwellings would have a negligible highways impact and the developer had agreed a payment of £10,000 towards a traffic study to consider future impacts on the wider highway network as and when other developments came forward, although this must be viewed as a voluntary payment. This would be secured through a Section 106 agreement, together with 4 affordable houses, £36,363 towards enhancement or provision of play facilities in the Brandon Electoral Division, £102,921 towards additional primary school teaching accommodation and £49,632 towards additional secondary school teaching accommodation.

D Wafer, Strategic Traffic Manager reminded the Committee that it had expressed concerns at its meeting on 31 July about why the traffic signals at the Browney Lane/A690 junction would not be coming forward. The Strategic Traffic Manager informed the Committee that it had always been the intention to install traffic signals at this junction, however it was a tricky location with residential properties fronting onto the junction, a takeaway business being located within the junction area and bus stops which would need to be moved. Although these problems in themselves were not insurmountable, access issues to the petrol station which was also at this location could not be overcome, and there were concerns about safety issues regarding this. Highways officers had consulted with local Members and also had held a public meeting to address highways concerns and these concerns related predominantly to speeding, rat-running and pedestrian crossing of the highway. As a result of consultation with local Members and the community a scheme of traffic calming measures had been agreed to address problems on the local road network. This would include speeding restrictions on the approach from St John's Road to the new development, a new school crossing point, a crossing facility on the A690 and traffic calming on Central Avenue and Dorlonco Villas.

Councillor Turnbull, local Member informed the Committee that he accepted what officers had presented to the Committee and agreed that both he and Councillor P

Taylor, local Member, had worked with the Strategic Traffic Manager to address traffic issues in the area. However, since the Committee last considered this application on 31 July 2018, there had been two road traffic collisions and one pedestrian injury at the junction location.

Mr J Ridgeon of Hedley Planning Services Ltd addressed the Committee on behalf of the applicant, Avant Homes. Mr Ridgeon thanked Council officers for engaging with the applicant throughout the planning process. There were two main issues for consideration by the Committee, these being the acceptability of the development and the need to address the highway impact of the development.

In relation to the first issue, the 21 additional homes would be achieved by replacing larger houses with smaller dwellings from the Avant Homes new Bridge Range. This Range had the same design principles as the mainstream product but was aimed at a wider customer base; especially those looking to buy their first home and a lot of interest had been received from the local community who were looking to buy their first home.

As set out in the Planning Officer's report the proposal was acceptable when assessed against local and national policy and would deliver 4 additional affordable homes and contributions towards play facilities and school places.

The improvements to the local highway network, which were originally proposed in the form of signals at the A690 and Browney Lane junction, had been dealt with by way of a separate s73 application, which had recently been approved. Avant Homes had been working with Highway Officers for over a year to try and bring this scheme forward but this had proved not to be possible on highway safety grounds.

This planning application sought to resolve the outstanding highway issues with the local highway network.

Avant Homes had been working with Highway Officers and a Local Traffic Calming scheme, which included speed reduction measures on Browney Lane, improved and additional crossing facilities, traffic calming and a school 20mph zone had been agreed.

The applicant and Council officers were confident that the proposed traffic calming measures would address the concerns the local community and members had in relation to the increase in number of motorists 'rat running' through the adjacent residential estate, the safety of school children and speeding.

The Local Traffic Calming scheme could be required by condition and the applicant would be working with the Council to ensure it was implemented as quickly as possible, to the benefit of the residents of the development and to the surrounding area.

Avant Homes had also sought to ensure that the Council could understand future impacts on the wider highway network. A contribution for a traffic study could be delivered through a Section 106 agreement.

Mr Ridgeon requested that the Committee support the officers' recommendation and approve the application.

Councillor P Taylor thanked the Strategic Traffic Manager for his work regarding traffic measures at this location but informed the Committee that the meeting with the local community which had been referred to had been organised by the local Members and not by the County Council. Councillor Taylor added that the developer, Avant Homes, had neither been in contact with the local Members nor local residents over the last 12 months.

Councillor Jewell asked what the perceived knock-on effects of the proposed traffic calming measures might be. The Strategic Traffic Manager replied that the traffic calming measures would slow traffic and would be of benefit to local residents, however as a result of this journey times through the area would be increased.

Councillor Wilkes informed the meeting that the applicant had been working with officers for over one year and asked why a new traffic survey had not taken place in the last 6 years since the application was originally approved. The proposed signalised junction was intended to address the problem of traffic congestion in the area and not road safety. Councillor Wilkes referred to the proposed traffic study to consider future impacts on the wider highway network as and when other developments came forward and asked how large other developments may need to be in order to fund whatever would be identified in this survey.

Councillor Wilkes expressed anger that the s73 application had been approved prior to the Committee meeting which had fettered the ability of the Committee to recommend that the original s106 agreement should be re-negotiated.

The Strategic Traffic Manager replied that the £10,000 contribution from the developer was to enable consultancy work to be carried out to consider traffic in the wider highways network and produce draft proposals for possible works to other junctions. Any future developments which came forward would then be required to make a partial contribution towards any proposals identified by the consultancy work. The primary concern of local residents was highway and pedestrian safety as opposed to traffic congestion.

N Carter, Planning and Development Solicitor advised the Committee that there were two applications – the s73 to deal with highways conditions and the application before Committee today. Members could have called the s73 to Committee for consideration, but as this had not been done, the application was determined under delegated powers.

Councillor Wilkes replied that the Committee had not been previously informed that members could ask for the s73 application to be called in adding he was appalled that local people and Members for the area had been left to deal with this situation.

Councillor Wilson asked what the impact would be on the highways network of the proposed additional 21 houses.

Councillor Taylor informed the Committee that under the initial application road modifications should have taken place once the 50th dwelling was occupied. The development was now well past this level of occupancy and no highways works had taken place as yet. While accepting the views of Councillor Wilkes, Councillor Taylor took the pragmatic view that 'we are where we are' and there was now a need to find solutions to traffic problems in the area, rather than looking back to the original application.

In response to Councillor Wilson's question, the Team Leader informed the Committee that the proposed additional 21 dwellings would have a negligible highways impact.

Councillor Shield informed the Committee that he considered it had been constrained by the actions of officers. He considered that when the initial assessment had been carried out to recommend the installation of traffic signals at the A690/Brownie Lane junction the correct level of due diligence had not been applied. He expressed great disappointment that the s73 application had been approved under delegated powers when officers were aware of the feelings of the Committee when the application was deferred at the end of July.

Councillor Robinson reminded the Committee that application for consideration was for an additional 21 houses at the Brownie Lane development site and that the s73 application had been agreed and could not be considered. The Planning and Development Solicitor endorsed the comments of Councillor Robinson. He also requested that Officers produce a briefing note on S73 applications.

The Strategic Highway Manager informed the Committee that it was unusual a recommended action could not be delivered. When applications were received there was a limit to the detail of design which could be undertaken within the time limits for consideration.

Councillor Shield informed the Committee that if this full information was known at the time of the initial application then the decision on that application may have been different. This application would result in him providing more challenge to officers in the future.

Councillor Tinsley, while agreeing with what had been said by the Committee, agreed with Councillor Taylor that 'we are where we are'. However, the application had raised the important point that when planning permission was granted with conditions which were fundamental to that permission, members should be made aware of the opportunity to call in any s73 agreement when it was fundamental change to the approved scheme. However, the additional 21 dwellings proposed in the application would have no material impact on highways.

Councillor Robinson informed the Committee that he would ask the Strategic Development Manager to prepare a briefing note for Members on s73 agreements and how Members could call these in.

Councillor Taylor informed the Committee that he and Councillor Turnbull had been contacted about the s73 application but he considered there was more of a need to

agree a workable solution to the highways problems. There had been 100 houses built on the site now and still no highways works had been carried out.

Councillor Nicholson informed the Committee that it needed to consider this application and not what had gone before. While he understood the concerns of local Members, it would be unlikely an appeal would be won if the application was refused. Councillor Nicholson **moved** approval of the application.

Councillor Kay agreed that he had sympathy with and understood the concerns of the local Members. However, the application for consideration was only for an additional 21 houses and as such would have little impact on highways.

Councillor Wilkes how many houses would need to be proposed before the developer of those houses would need to pay for improvement works to other junctions in the area. The Strategic Highways Manager replied that the £10,000 contribution from the developer would be used to look at future potential solutions and as future developments came forward a proportion of the cost of these solutions would be asked of those developers.

Councillor Wilkes considered there should be some contribution to the potential solutions from this development and proposed that this should be at a level of £1,000 per dwelling. The application would cause more congestion because more houses were being built. Councillor Wilkes considered the application should be refused under Policy T1 of the saved local Plan because no mitigation had been proposed for increased traffic.

The Planning and Development Solicitor reminded the Committee that the application was for an additional 21 dwellings and the highways impact of this would be negligible or none. There was therefore no justification to seek financial contributions. While he understood the issues raised by Councillor Wilkes, the Committee could not anticipate future highway impacts of future developments.

The Team Leader informed the Committee that if approved, the proposed Condition 8 would need to be amended in light of the scheme for local traffic calming being approved, and Condition 2 would need amending to reflect this also. The implementation plan for local traffic calming would have timescales attached to it.

Councillor Wilson **seconded** approval of the application, subject to the Chairman and Vice-Chairman having oversight of the implementation plan.

Councillor Wilke's refusal motion was put to the vote first and the motion was lost. Councillor Wilson's motion was then put to the vote and it was:

Resolved:

That the application be approved subject to the following conditions and subject to the completion of a Section 106 legal agreement to secure the provision of:

- £10,000 contribution toward a traffic survey
- £36,363 contribution toward enhancement or provision of play facilities in the Brandon Electoral Division

- 15% affordable housing on site
- £102,921 toward additional primary school teaching accommodation and £49,632 toward additional secondary school teaching accommodation

and the Conditions contained in the report, as amended.

Councillor P Taylor left the meeting.

b DM/18/01650/FPA - Land to the South of Durham University Mountjoy Research Centre, Stockton Road, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a Mathematical Sciences and Computer Science building with associated works and access on land to the south of Durham University Mountjoy Research Centre, Stockton Road, Durham (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included an aerial photograph of the site, site location plan, 3D image of the proposed building, proposed elevation, site layout plan, proposed elevations and views of the site from the Mount Joy Complex and Hollingside Lane.

Professor P Hussey, Pro-Vice-Chancellor for Science at Durham University, addressed the Committee to present the proposal for a new Mathematical Sciences and Computer Science building planned for development, south of the City centre, within the University Mountjoy site.

The existing teaching facilities within the Mathematical Sciences and Computer Science departments were currently at capacity. The development would allow for both departments to grow, whilst improving teaching and learning facilities, and ensure they were able to compete on an international playing field.

The development would enable the University to continue to build on its success as a world leading institution and to maximise benefits to the local area. The University boosted the UK economy by £1.1 billion a year and supported nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north east.

The primary objectives of the scheme were to provide state-of-the-art teaching, learning and research accommodation for staff and PhD students, communal mathematical sciences and computer science space, undergraduate study space, research laboratories, seminar rooms and lecture theatres, together with catering facilities. The development would also incorporate high quality external spaces for students and staff.

An innovation and enterprise hub was also a key part of the development and this would provide study space, quiet study rooms, breakout space and a flexible event space. The University currently had around 3,000 students carrying out enterprise activity within the University, but this was spread around various departments and societies. The innovation and enterprise hub would provide a base for this activity

and would also create and foster links between the University, students and businesses locally, nationally and internationally.

A significant amount of planning and preparation had informed this proposal, including extensive pre-application meetings with the Local Planning Authority and other statutory consultees. From the early stages of the planning for the building, careful consideration had been given to its design, its appearance within the landscape and its impact on the Durham City Conservation Area and Durham Castle and Cathedral UNESCO World Heritage Site. The design proposed was set within the landscape with its overall height kept low, in order to protect views towards the Cathedral and World Heritage Site, and to ensure that it did not have a significant effect on these heritage assets.

The University also held a public consultation for key stakeholders and local residents and gathered feedback from this event which had informed the proposal. Extensive archaeological evaluation and recording had been undertaken and this would be placed as public record.

The scheme presented many benefits for both the University and the wider city. It would deliver world-class facilities, supporting the University's agenda for education, research, engagement and student experience, whilst helping to address identified shortfalls and requirements for research, teaching, laboratories and study space. The new building, when operational, would facilitate the growth of both the Mathematical Sciences and Computer Science departments. This in turn would deliver additional employment opportunities with 70 more staff required across both departments in academic and support roles. During the construction period, the employment opportunities would be significant with the creation of 233 direct, and 210 indirect jobs.

In summary, the proposed development was on a well-contained site, would provide much needed additional teaching and study facilities in a sustainable location, would better consolidate academic disciplines and reduce the need for staff and student movements, would contribute to all three objectives of sustainable development: economic, social and environmental, providing substantial benefits in each area including creating new jobs at the University and employment through construction and fully complied with the National Planning Policy Framework and local policy.

Professor Hussey asked that the Committee approve the application.

Councillor Shield informed the Committee that the application would enhance the standing of the University and fully complied with the NPPF and saved plans and **moved** approval.

Councillor Tinsley referred to the request from the City of Durham Parish Council that the determination of the application be paused until the University Masterplan had been submitted as it was part of a larger scheme which would need an Environmental Impact Assessment and asked whether an EIA was required for this scheme or the overall Masterplan. Councillor Tinsley considered the proposed building to be of an excellent modern design.

Councillor Clare considered that it was essential to allow the University to grow and prosper in order to compete. He referred to the concerns of the Durham Castle and Cathedral World Heritage Site Co-ordinator as described at paragraph 77 of the report regarding the woods not being referenced in terms of strategic management in the application.

The Senior Planning Officer replied that the development was well contained within woodland to the south of the site. This woodland is designated as an ecological site and thereby the prospect of any development which would require the removal of these trees thereby very unlikely. In respects to the concerns expressed by the Parish Council regarding EIA, the development had been subject to an EIA screening exercise and this including consideration to cumulative impacts with other development and it was concluded that the development is not EIA development.

Councillor Wilkes referred to paragraph 58 of the report that the Highways Authority had raised no objection to the proposal which would generate more pedestrian and cycle trips and asked whether crossing facilities on South Road were sufficient to ensure the safety of the increase in pedestrian and cyclist numbers. Additionally Councillor Wilkes sought clarity on the proposed plans of the University for a cycling superhighway. While he was supportive of University development, providing student safety was paramount.

D Wafer, Strategic Traffic Manager informed the Committee that the University had a number of developments over a wide area and had aspirations for a super route which included connections across South Road. The University was reviewing the proposed super route by widening paths and installing new crossing points. H Jones, Principal Planning Officer added that a stretch of footpath on South Road is proposed to be widened and a signalised crossing point rationalised as part of the planning permission for the Lower Mountjoy University Teaching and Learning Centre.

Moved by Councillor Shield, **Seconded** by Councillor Wilson and

Resolved:

That the application be approved subject to the Conditions contained in the report.

Councillors Shield and Kay left the meeting but Councillor Kay returned before the consideration of Item (c).

c DM/17/03546/FPA - Hurworth Burn Farm, Wingate

The Committee considered a report of the Senior Planning Officer regarding an application for the proposed upgrading of an existing poultry unit including the demolition of 12 existing poultry sheds and the erection of 4 poultry sheds at Hurworth Burn Farm, Wingate (for copy see file of Minutes).

T Warren, agent for the applicant addressed the Committee. The poultry industry was going through an intense period of investment in new and replacement facilities with increased demand for chicken. A large number of poultry farms had come to the end of their operational life and therefore required investment and upgrading to

bring them in line with modern environmental standards and best techniques for operation.

All large scale poultry units needed an environmental permit to operate and customers expected them to operate in line with best available techniques. Therefore upgrade had become essential on older sites and this is the case with this site.

The UK imported roughly 40% of its poultry meat requirement, with some of the larger supermarkets importing chicken from Brazil and Thailand, particularly for sandwiches and ready meals, with meat imported frozen for onward processing.

The proposed site was well suited for a poultry unit, given its existing use as a poultry unit, and the fact it was away from residential areas. The proposed upgrade would allow for modern buildings which met the current high environmental standards.

The proposal was for significant investment by the owners of the site. This would ensure its long term viability and protect and expand the current employment at the site.

Mr Warren asked the Committee to approve the application.

Councillor Wilkes referred to the proposed stocking density of 38kg/m² and asked how many 42 day old broiler chickens this would relate to per square metre. The Senior Planning Officer replied that he was unaware of this figure but the proposed facility met welfare standards.

Councillor A Bell asked who regulated the density of livestock. The Senior Planning Officer replied that the facility had an environmental permit and would be regulated by the Department for Environment, Food and Rural Affairs.

Mr Warren advised that the chickens had a 60 day life cycle and later on in the cycle would be placed in a different unit. He also added that the Company would not go against health and safety requirements.

Councillor Jewell considered the proposed facility to be an improvement on what currently existed and **moved** approval of the application.

Councillor Richardson informed the Committee that he could see no issues with the application and **seconded** approval.

Councillor Clare considered that the facility would strengthen the local economy adding that welfare concerns were to be dealt with in a different forum.

Councillor Wilkes informed the Committee that he would abstain from voting on the application on the grounds of animal welfare.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00101/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for residential development (Use Class C3) together with access, open space and landscaping with all matters reserved except for access.
NAME OF APPLICANT:	Theakston Estates Limited Ltd
ADDRESS:	Land South Of Dale Road Industrial Estate, Dale Road, Shildon, DL4 2RE
ELECTORAL DIVISION:	Shildon
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a largely rectangular shaped parcel of land located to the south eastern of Shildon to the south of the County. The site extends to approximately 12.47 hectares (ha) in area and comprises largely undeveloped land. There is a level change across the site, with the land falling approximately 9m in an easterly direction. The northern boundary of the site is partially bound by adopted highway which beyond lies the National Railway Museum, Locomotion and previously developed industrial land, the Bishop Auckland to Darlington Railway Line also lies to the north of the site. To the east of the site Hawthorn Grange Farm and Eden Fisheries are located. To the South of the site agricultural fields are and All Saints Industrial Estate are sited. The northern boundary of the site is bound by allotment gardens, residential dwellings and the access road leading onto Dale Road.
2. A public right of way (Footpath No.37, Shildon) crosses the south eastern portion of the application site in a north/south direction. There are informal pedestrian access paths extending across the site leading to the public right of way in an east/west direction.
3. The site is located approximately 40m to the south (separated by the Bishop Auckland – Darlington Railway Line) of Shildon Sidings Local Wildlife Site. Eden Grange Ponds, Local Wildlife Site lies approximately 270m to the east of the site. Midridge Quarry SSSI lies 530 to east of the site. Shildon Conservation Area which contains a number of listed buildings and structures lies approximately 60 m to the north west of the site. The Grade II Listed pedestrian railway bridge lies 30m to the north of the site.

The Proposal

4. This outline planning application seeks permission for the erection of up to 340 dwellings, including the means of access, with all other matters reserved. This permission would effectively replace an existing extant planning permission for 310 dwellings on the site and an adjacent piece of land. An illustrative masterplan has been submitted, which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off the existing highway infrastructure off Dale Road. It is indicated that there would be active frontages overlooking a central area of public open space which is arranged around the public right of way. The masterplan sets out that a landscape buffer would be created to the south and north western part of the site boundary incorporating landscaping and SUDs features. The dwellings would now be located on a previously proposed amenity area, with land to the north of the site proposed to be gifted to the Council for use in association with the Locomotion National Railway Museum.
5. The main vehicular access to the site would be retained off Dale Road which also serves the Locomotion Railway Museum. The existing junction would be widened and pedestrian footways installed. Pedestrian access routes would be provided in between the residential properties of 72 Dale Road and 7-9 Dale Grove, on to the public right of way crossing the site and onto an existing vehicular access track along the southern boundary.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

7. Outline planning permission (DM/14/03431/OUT) was granted in February 2017 for the erection of up to 310 dwellings with a 3.9ha community wildlife area. This permission is extant until February 2020.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore

at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

22. *Policy E11 – Safeguarding of sites of Nature Conservation Interest* – Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.
23. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
24. *Policy E18 – Preservation and Enhancement of Conservation Areas* – Sets out that that the character or appearance of conservation areas will be preserved or enhanced, by not normally allowing development proposals which would detract from their character and appearance and not allowing the demolition of buildings or structures. Applications are required to be supported by sufficient detail to demonstrate the impact of the proposal on such areas.

25. *Policy IB1 – Locations for Industry and Business* – Sets out that the Authority will normally approve applications that maintain in appropriate locations a range of land available for industry and business.
26. *Policy IB2 – Designation of Types of Industrial Estates* – Designates industrial areas though the Sedgefield Borough, including 4ha of land at Dale Road, Shildon as a General Industrial Estate.
27. *Policy IB6 – Acceptable uses in General Industrial Estates* – Sets out that within General Industrial Estates business, generally industry and warehousing will normally be considered acceptable. Whilst development proposals for other uses will be decided taking into account of the purposes of the areas as set out under policy IB1.
28. *Policy H19 –Provision of a range of house types and sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
29. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
30. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings
31. *Policy L5 – Safeguarding Areas of Open Space* sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development of new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment whether there is sufficient provision would be required
32. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
33. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
34. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
35. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.

36. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
37. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
38. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

39. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Shildon Town Council* – Offer no objections to the applications, on the provision that there would be no adverse impact on Eden Grange Fishery in terms of surface water together with pollution from the development onto adjoining land. It is also advised that the Highway Authority look at traffic calming measures due to increased vehicular traffic from and to the development.
41. *Highways Authority* – Offer no objection advising that following a review of a revised Transport Statement the surrounding road network could adequately accommodate the development. The proposed access into the site is considered acceptable.
42. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
43. *Drainage and Coastal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme in support of any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

44. *Spatial Policy – Spatial Policy* – Advise the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). Policy IB2 designates a small part of the site for employment purposes, and Policy IB6 identifies appropriate uses in such areas. However, in line with advice in the NPPF (paragraph 120) the appropriateness of retaining sites for employment uses within the County has been tested through Employment Land Reviews (ELRs) in recent years, with the most recent version published in 2018. Given the extant planning permission for housing, the site was not assessed by the latest ELR as it was accepted at that point in time that the land was already lost to an alternative use (housing). Overall, the ELR identifies that there was sufficient employment land through the County to meet future needs without a contribution from this site. The ELR has informed the Preferred Options of the County Durham Plan (June 2018) and the allocation from the SBLP is not maintained within the emerging plan. This change in position, coupled with the more flexible approach promoted in the NPPF, leads to the conclusion that Policies IB2 and IB6 are out of date and the weight to be attributed to them in the decision making process reduced.
45. The remainder of the site has no allocation and is not afforded any protection in the SBLP, whilst housing policies within the SBLP are either absent or silent in how to assess housing proposals within Shildon. This is due to the expiry of policy H1 of the SBLP which set out general support for housing within Shildon, whilst other housing policies relate to development beyond settlement limits
46. The acceptability of the development proposal therefore rests within the planning balance test of paragraph 11 of the NPPF. As a result, the scheme should be granted planning permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of approving the development which would significantly and demonstrably outweigh the benefits.
47. *Assets* – Have reviewed the submitted viability appraisal and conclude that the assumed revenues, costs and residual land values are broadly acceptable.
48. *Design and Conservation* – Advise that given the outline nature of the application, with all matters reserved except for access the design considerations are limited. However the indicative layout is considered generally acceptable and would not harm the setting of the heritage assets adjacent to the site associated with the Stockton and Darlington Railway.
49. *Landscape* – Advise that the Indicative Outline Landscape Strategy shows that the layout and landscaping of this proposal are capable of delivering a good quality development in a pleasant visual environment.
50. *School Places and Admissions Manager* – Advise that a development of an additional 30 houses over and above the 310 approved could produce an additional 9 primary pupils and 4 additional secondary pupils. Based on the projected rolls of nearby schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
51. *Housing Delivery* – Advise that there is a policy requirement to provide 10% affordable housing units on the site. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.

52. *Ecology* – Raise no objection, advising that although there is no significant on-site delivery for biodiversity it is considered that the biodiversity impacts of the development can be mitigated through a financial contribution of £30,000 towards biodiversity enhancement off-site.
53. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is not in close proximity of an Air Quality Management Area, however, the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 AADT LDV flows and 100 AADT HDV flows. Methods for the suppression of dust and particulates should be adopted during construction.
54. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure appropriate evaluation and mitigation where required.
55. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the proposed housing is in close proximity to existing industrial commercial noise sources, consideration should be given to whether there are noise and odour sources that could impact on the future occupants of the development.
56. *Archaeology* – Advise that the results of the geophysical survey should be tested on site through trial trenching before the submission of a reserved matters application, to be secured by condition.
57. *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent and crossing the development site. Officers consider that opportunities for improving links public rights of way network should be secured though the consideration of the reserved matters application or through offsite contributions through a S106 agreement.
58. *Sustainable Transport* – Advise that the site is large elements of the site are located within 400m of existing bus stops served by 2 buses per hour to a regional centre. A train service to Darlington and Teesside is also within an acceptable walking distance. Advice is offered of the indicative layout to ensure links to surrounding cycle and walking routes are achieved. A travel plan should be submitted in support of any reserved matters application to be secured by condition.
59. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.

NON-STATUTORY RESPONSES:

60. *Network Rail* – Offer no objection subject to ensuring that Network Rail infrastructure is protected from development. Further consultation is welcomed when detailed proposals are developed, particularly regarding the drainage system, landscaping of the site and relevant construction methods. Consideration should also be given to appropriate sound proofing for dwellings situated in close proximity to the railway.
61. *Coal Authority* – Offer no objections, subject to adopting a conditional approach to secure further site investigations and mitigation where required.

PUBLIC RESPONSES:

62. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

Objection

63. 3 letters of objection from local residents have been received in relation to the development as summarised below.
- Concerns are raised regarding the impacts of the proposed highway access works on adjacent residents parking
 - Alternative access points should be explored that do not use Dale Road.
 - Traffic calming measures should be incorporated onto Dale Road.
 - Concerns are raised regarding the passage of water from the development site into the adjacent Eden Grange fisheries while additional flows into local watercourses could spill into adjacent sites during storm events impacting of activities and water quality.
 - Concerns are raised regarding the revised scheme in relation to possibility of complaints from future residents regarding the operation of the fishery and associated activities particularly regarding the use of the access track and noise generated by the development.
64. Friends of Stockton and Darlington Railway – welcome the proposal to enhance the existing public footpath between the south side of Thickley footbridge and the estate spine road for use by pedestrians and pedal cyclists. It will form a key link in the proposed Stockton and Darlington Heritage Trail.

APPLICANTS STATEMENT:

65. The principle of development at the site has long been established and the site has an extant permission for 310 dwellings. The site is also acknowledged as a housing commitment in the emerging County Durham Plan.
66. This outline application is for up to 340 dwellings, representing an increase of 30 dwellings from the total already approved. This represents a more effective use of the site which is consistent with chapter 11 of the revised NPPF (July 2018). The proposals will help meet the identified housing needs within the local area and County by delivering a high quality and sustainable residential community well integrated with Shildon.
67. The development will deliver wider benefits by providing land to help maximise the potential of Locomotion through enabling it to grow and attract further visitors to the benefit of the local and regional economy. The development will also deliver further economic benefits to the local area, including:
- 36 full-time jobs will be created during the construction period of the development;
 - 55 indirect and induced full time jobs would be supported in the supply chain and related services;
 - £3 million of net additional expenditure will be generated locally once the development is occupied supporting the creation of almost 45 new full-time jobs in the local area in the retail, leisure and hospitality sectors;
 - £1.9 million of 'first occupation expenditure in order to make each house 'feel like home';
 - £36.5 million total capital investment as a result of the development;
 - £1.5 million in new homes bonus (NHB) and £495,000 in additional council tax payments in addition to the NHB.

68. When assessed against the policies of the NPPF (July 2018) as a whole, and the saved policies of the saved policies of the Sedgefield Borough Local Plan, it is clear that there are no adverse impacts which could be considered to significantly and demonstrably outweigh the benefits of granting planning permission. It is therefore our view that this application should be approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The SBLP was adopted in 1996. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.
71. The application site already benefits from an extant planning permission for some 310 dwellings. The current proposals would involve housing extending further eastwards but no longer in the area to the west of the existing car park serving the Locomotion Museum. The extant planning permission is material to the consideration of the merits of this scheme.
72. The western part of the application site is designated as a general employment site under saved Policy IB2 of the Sedgefield Borough Local Plan (SBLP), while saved Policy IB6 seeks to restrict uses to business, general industry and warehousing to ensure that sufficient employment land needed across the plan period. The development of this part of the site for housing and, therefore, the loss of employment land, would conflict with SBLP Policy IB6.
73. However, in accordance with advice in paragraph 120 of the NPPF, the appropriateness of retaining sites for employment uses within the County has been tested through an Employment Land Reviews (ELRs) recent years, with the most recent version published in 2018. Given the extant planning permission for housing, the site was not assessed by the latest ELR as it was accepted at that point in time that the land was already lost to an alternative use (housing). Overall, the ELR

identifies that there was sufficient employment land through the County to meet future needs without a contribution from this site. The ELR has informed the Preferred Options of the County Durham Plan (June 2018) and the allocation from the SBLP is not maintained within the emerging plan. Due to this change in position, coupled with the more flexible approach promoted in the NPPF, it is considered that SBLP Policies IB2 and IB6 are out date and the weight to be attributed to them in the decision making process is diminished accordingly and paragraph 11 is also engaged as a result

74. The remainder of the site is not subject to any specific land-use allocation and nor is it afforded any protection in the SBLP. Housing policies within the SBLP are either absent or silent as to the assessment of housing proposals within Shildon. This is due to the expiry of SBLP Policy H1, which set out general support for housing within Shildon, and on the basis that other housing policies relate specifically to development beyond settlement limits
75. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
76. Having regard to the above, the development would conflict with Policy IB6 of the SBLP which safeguards part of the site for general industrial uses. However, for the purposes of Paragraph 11 of the NPPF, the Development Plan is considered to be out of date in respect of the part of the site covered by that policy and silent in respect of that part of the site not so covered, in relation to the principle of development. As a result, the acceptability of the development largely rests on whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance and if not, whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Five Year Housing Land Supply

77. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. In applying that methodology for County Durham, the Objectively Assessed Need (OAN) figure would be 1,368 dwellings per annum (dpa).
78. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs

revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.

79. The development site forms part of the council's 5 year housing supply calculation, estimated to deliver 25 units within years 4 and 5 in recognition of the outline nature of the application and the market area.
80. Accordingly, the weight to be afforded to the boost to housing supply over and above the extant consent as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Locational Sustainability of the Site

81. The County Durham Settlement Study June 2018, ranks Shildon 11th out of 230 settlements (including clustered settlements) throughout County Durham. This is due to the presence of a range of employment sites, public transport hubs, including a train station, schools and health facilities. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. The site is 1850m to Shildon Town Centre which provides retail options and community facilities, 735m to the nearest Primary School, and 2200m to the nearest GP practice. The walking routes into Shildon Town Centre are also on adopted well-lit highways with no significant topographical restrictions.
82. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Shildon has a range of public transport options with the nearest bus stop 400m from the centre of the site, and the train station approximately 600m away.
83. Overall, it is considered that the proposed connections, walking distances and the frequency of the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with SBLP Policies T1 and D3, both of which are considered consistent the NPPF in this respect.

Heritage Impact

84. SBLP Policy E18 seeks to protect or enhance the character or appearance of conservation areas by not normally allowing development proposals which would detract from their character and appearance. The SBLP is silent in relation to the impact on listed buildings with policies E19 and E21 not forming part of the SBLP Secretary of State saving direction. Policy E18 is considered broadly consistent with the NPPF in this respect, which sets out at Part 15, that LPAs should recognise that heritage assets (including conservation areas and listed buildings) are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. This approach reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that

special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

85. The heritage assets in this instance are identified as the Shildon Conservation Area which contains a number of listed buildings and structures lies approximately 60 m to the North West of the site and a Grade II Listed pedestrian railway bridge which lies 30m directly to the north of the site. The applicant has submitted a heritage statement which appraises the impact of the development on the significance of these heritage assets.
86. In reviewing the submitted heritage assessment and considering the potential impacts of the development the Design and Conservation Officer advises that indicative layout is considered generally acceptable and would not harm the setting of the heritage assets adjacent to the site associated with the Stockton and Darlington Railway. In relation to the Shildon Conservation Area, which lies to the northwest of the site, it is considered that there is limited inter-visibility between the development site and the conservation area and therefore no harm would arise.
87. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. A geophysical survey of the site has been undertaken and tested with trial trenching with the majority of the site. However, this needs to be extended to the western quarter of the site, with a conditional approach recommended, including that the result are submitted before any subsequent reserved matters application.
88. Overall, it is considered, that the development would not adversely impact on heritage assets with the finer details to be secured through a reserved matters application. In this respect, the development is considered to comply with Policy E18 of the SBLP and Part 15 of the NPPF. Accordingly, the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been discharged.

Landscape and Visual Impact

89. SBLP Policy D1 requires developments to take account of the sites natural features and adopt appropriate landscaping. SBLP Policy E15 sets out that landscape features, including trees and hedgerows, should be retained in the layout of the developments. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. These policies are considered consistent with Parts 12 and 15 of the NPPF which seeks to promote good design, whilst protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies E15, D1, D2, D3 and D5 in this respect.
90. The application has been submitted in outline form, however, based on the indicative masterplan, it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout developed, which utilises active frontages, creates character areas and that would respond appropriately to the sites setting, while retaining the limited mature vegetation on site. These matters would be reviewed in detail in a subsequent reserved matters application.

91. Overall, subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies E15, D1, D2, D3 and D5, and Parts 12 and 15 of the NPPF.

Highway Safety and Access

92. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraph 108 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 108 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over the safety of the surrounding road network and location of the access has been raised by local residents.
93. It is proposed that the main vehicular access to the site would utilise the existing T-junction vehicular access onto Dale Road, with some minor highway widening and alignment. A Transport Assessment (TA) has been submitted in support of the application that considers the impact of the development on the surrounding road network and concludes that the development would have an acceptable impact on relevant junctions.
94. In reviewing the proposals, the Highway Authority note that the original scheme for the development of the site did proposed a roundabout in lieu of a T-junction. However the principle of accessing the development by a T-junction was established in application 7/2013/0279/DM which has now lapsed. Notwithstanding this, it is advised that the T-junction to provide access into the site remains acceptable, as considered in the revised TA. Subject to a condition to agree the finer detail of the access works, provision of the visibility splays and ensure implementation. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application.
95. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP Policy D3 and Part 9 of the NPPF in this respect.

Residential Amenity

96. SBLP Policies D1 and D3 requires that the design and layout of development should have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These policies are considered compliant with Part 12 of the NPPF, which seeks to secure a high standard of amenity for existing and future users.
97. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances, whilst

recognising their outlook would change, it is considered that there would not be a significant reduction in the amenity of existing occupiers in terms of overlooking, privacy and outlook. Further scrutiny of this matter and the internal site layout would be given at the subsequent reserved matters stage.

98. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be mitigated to an appropriate degree.
99. The Environmental Health and Consumer Protection Officer does identify that the proposed dwellings are located in close proximity of a number of noise sources which have the potential to reduce the amenity of future residents and potentially creating issues around statutory Noise Nuisance. The main noise sources relate to industrial premises on the Dale Road industrial Estate, Locomotion Museum and the Bishop Auckland-Darlington railway. No Noise impact assessment has been submitted with this application appraising the impact of these noise sources. However, mindful of the applicants fall-back position of an implementable scheme for 310 dwellings and that no dwellings would be located any closer to the Industrial Estate or Locomotion Museum, a conditional approach can be adopted as previously secured. It is considered likely that mitigation measures such as acoustic fencing and/or improved glazing could be adopted to minimise any impact without adversely affecting the layout. In relation to the Bishop Auckland-Darlington railway, the indicative layout submitted with the application shows that dwellings could be located in closer proximity than previously approved, however, a conditional approach and agreement through the submission of reserved matters is considered appropriate, particularly as potential restrictions under statutory nuisance would not apply to transport infrastructure.
100. Concerns have been raised from Eden Grange Fisheries regarding a potential impact associated with activities on the site and the coming and going of vehicles along an access track to the south of the site. However, this disturbance would be similar to the approved scheme, while recognising that development would extend further to the east. A buffer is also proposed to the eastern site boundary of approximately 13m, to the gardens of residential properties.
101. Overall, the scheme subject to the above conditions would comply with SBLP Policies D1 and D3 and Part 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing residents whilst mitigating any impact on future residents.

Ecology

102. Part 14 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located approximately 40m to the south (separated by the Bishop Auckland – Darlington Railway Line) of Shildon Sidings Local Wildlife Site. Eden Grange Ponds, Local Wildlife Site lies approximately 270m to the east of the site. Midridge Quarry SSSI lies 530 to east of the site.
103. An ecological impact assessment has been submitted in support of the planning application. It is concluded that no species specially protected by law would likely be adversely affected by the proposals. Mitigation planting is proposed in the landscaped areas and areas of open space along with controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes. It is, however, identified that there is the potential for an adverse impact on the Shildon Sidings Local Wildlife Site as a result of an increased number of residents using the area for

recreational purposes particularly, as this scheme does not propose an amenity/habitat creation area. In order to address this the applicant proposes a £30,000 off site contribution for the Council to deliver mitigation and management initiatives in the area to offset the impact of the development.

104. Subject to delivering this mitigation and subject to further review of the reserved matters application the Ecology Officer raises no objections to the application. The development is therefore considered to conform to SBLP Policy E11 (consistent with the NPPF) and Part 14 of the NPPF in this respect.

Flooding and Drainage

105. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
106. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a high level drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) to capture and treat surface water in 1 and 100 year flood events to discharge at greenfield run off rates. In line with the extant permission subject to securing the detail of this approach once a layout in a reserved matters application is developed, Drainage and Coastal Protection Officers raise no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge. A conditional approach would allow Network Rail the opportunity to review and comment to safeguard their assets.
107. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water drainage system. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
108. Objections have been raised from Eden Grange Fisheries to the east of the site regarding the passage of water from the development site into the adjacent Eden Grange Fisheries, while additional flows into local watercourses could spill into adjacent sites during storm events impacting on operations and water quality. The scheme would likely discharge to an existing railway line to the north of the site as existing, however, by restricting the discharge rate to greenfield runoff across all storm events equates to a 43% reduction over the 30-year storm event and a 52% reduction across over the 100 year storm event providing a betterment.
109. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

110. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended.

After reviewing the submitted report, Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.

111. The site lies within the Coal Authority High Risk Area of previous mine workings, the applicant has prepared a geo environmental appraisal which identifies the likelihood of previous coal workings under the site. On review of this assessment the Coal Authority offer no objections but advise a conditional approach with site investigations and detailing appropriate mitigation where required.

Other Issues

112. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. It is however advised that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment of >500 Annual Average Daily Trips (AADT) Light Duty Vehicles flows and 100 AADT Heavy Duty Vehicles flows. In this instance it is considered that an additional 30 dwellings over and above the extant scheme would not exceed the stage 2 criteria. Methods for the suppression of dust and particulates should be adopted during construction, which would be secured by planning condition.
113. The School Places and Admissions Manager advises that a development of an additional 30 houses over and above the 310 unit extant scheme could produce an additional 9 primary pupils and 4 additional secondary pupils. Based on the projected rolls of nearby schools, taking into account the likely implementation of the development, build out rates and other relevant committed development (including the approved scheme) it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
114. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. However, the NPPF is silent on art, and as such, Policy D9 is considered to not be consistent with the NPPF and therefore limited weight should be afforded to the policy. In this case, it is considered that public art provision is not necessary to make the development acceptable.

Planning Obligations

115. SBLP Policy H19, in accordance with Part 5 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment 2018 and equates to a minimum of a 10% provision on site.
116. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018 which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.

117. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
118. In this instance the indicative site layout indicates that around 1.5ha of open space would be provided on site. This would exceed the requirements of 2018 OSNA in respect of Amenity open space (0.75ha required) and Natural Green Space (0.75ha required) typologies. However in order to meet the Allotment (0.67 ha), Parks and Gardens (1ha) and play space (0.07ha) an off-site contribution of £535,194 would be required.
119. The NPPF at paragraph 57 sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. This matter has been considered in the extant consent where requirements for affordable housing were reduced and no off site contribution for open space was secured (although recognising there was an onsite provision)
120. Advice has been sought on this matter from the Council's Assets and Spatial Policy Sections in this matter who have considered in detail a revised viability appraisal including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once development costs are taken from expected sale values, and factoring in an appropriate rate of return for the land owner the viability of the site is considered marginal and could not bear the costs of affordable housing provision or offsite contributions towards recreation provision. This is due to the land acquisition costs, abnormal costs in relation to land stability and relatively low anticipated sales revenues in the area. Having regard to the advice within the NPPF and NPPG, it is accepted that the development could not mitigate its impacts in relation to open space and recreation provision or deliver affordable housing provision whilst remaining viable. These are adverse impacts that would need to be considered in the planning balance.
121. The Employability officer requests that Targeted Recruitment and Training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and no weight should be afforded to it in the decision making process.
122. As highlighted above the applicant proposes to transfer approximately 1.5ha of land to the Council to be used for the expansion of the Locomotion National Railway Museum on the grant of planning permission. However, as set out above, planning obligations secured by way of a S106 legal agreement should be; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The transfer of land is not necessary to make the development acceptable and therefore, this must be viewed as a voluntary arrangement and no weight should be afforded to it in the decision making process.

Planning Balance

123. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 of the NPPF. No policies that protect areas or assets of particular importance have been identified therefore in order to justify the refusal of planning

permission any adverse impacts must significantly and demonstrably outweigh any benefits.

Benefits

124. On the basis of the extant planning permission, the site currently contributes towards the Council's identified housing land supply; however, given that the currently supply is in excess of 5 years when measured against the Governments Standard Methodology the benefit of the increase of 30 dwellings is limited, particularly considering the outline nature of the scheme.
125. The scheme would deliver housing in a sustainable, accessible location, within one of the County's main towns with good transport links.
126. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.

Adverse Impacts

127. The development would not contribute to the supply of affordable housing in the County contrary to SBLP policy, it is, however, recognised that a large proportion of the houses would be offered at the lower end of the market, whilst there is large supply of houses within Shildon which would fall below the Council's defined affordable level.
128. The development would increase pressures on allotment, parks and gardens and play space typologies within Shildon without any onsite provision or offsite mitigation.

CONCLUSION

129. The development would conflict with Policy IB6 of the SBLP representing housing on an allocated employment site. However, as SBLP IB6 is out of date and the SBLP is silent in relation to housing supply policies in Shildon, the presumption in favour of sustainable development is engaged. The residential development is, therefore, required to be considered in the context of Paragraph 11 of the NPPF, which states that planning permission should only be refused where there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development which would significantly and demonstrably outweigh the benefits. There are no policies identified that protect areas or assets of particular importance in this case.
130. The development would increase pressures on open space and recreational facilities in the area and would not deliver affordable housing. However, due to the viability position of the site and the benefits of maintaining housing land supply in a sustainable location for the purposes of Paragraph 11, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with relevant SBLP policies.
131. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards offsite ecology mitigation is

considered necessary for the development to be considered acceptable and therefore meet the relevant tests.

132. However, the transfer of land and the provision of Targeted Recruitment and Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of: £30,000 towards offsite biodiversity enhancement; voluntary obligations in respect of the Transfer of land to the Council; voluntary obligations in respect to Targeted Recruitment and Training clauses; and subject to the following conditions:

Approval of reserved matters

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

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

Time Limit of reserved matters

2. Application for approval of reserved matters for the first phase of the development shall be made to the Local Planning Authority before the expiration of five years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the first reserved matters for that phase. In case of approval of reserved matters for subsequent individual phases on different dates, development of each phase must be begun not later than the expiration of two years from the approval of the first reserved matters for that phase. All reserved matters shall be submitted within a period of 10 years from the date of this permission.

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

Phasing

3. Prior to the application for approval of reserved matters for the first phase of the development a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase or part thereof submitted pursuant to Condition 2 above shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition.

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

No. of dwellings

4. The development hereby approved shall comprise a maximum of 340 dwellings

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

Design Principles

5. Application for approval of reserved matters for the relevant phase of development shall be in general accordance with the design and layout principles set out in the Design and Access Statement dated January 2018.

Reason: In the interests of visual amenity and good design and in order to secure biodiversity enhancements in accordance Policies D1, D2, D3, D5 and T1 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Highway Improvement Works

6. Prior to the occupation of the first dwelling the highway improvement works including visibility splays set out in Fore Consulting Drawing: Proposed Access Arrangement From Dale Road – 2026 SK001 01 shall be fully constructed and visibility splays laid out.

Reason: In the interests of highway safety in accordance with Policies D1, and H24 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Ecology

7. The development of any phase shall be carried out in accordance with the mitigation outlined within the Ecological Impact Assessment version R09 dated January 2018 compiled by E3 Ecology.

Reason: To ensure retained habitat is protected and to conserve protected species and to secure biodiversity enhancements in accordance with Part 15 of the National Planning Policy Framework.

Lighting Scheme

8. No dwelling shall be occupied in any phase until a lighting scheme for all external areas has been submitted to and approved in writing by the Local Planning Authority for that phase. The lighting scheme shall include:
 - 1 A layout plan showing the location of proposed lighting;
 - 1 A schedule of the equipment, levels of illumination and beam orientation to minimise the effect on local wildlife; and
 - 2 The proposed hours of illumination.

Thereafter, the approved lighting scheme shall be implemented in accordance with the approved phasing scheme and be retained for the life time of development.

Reason: In the interests of nature conservation, visual and residential amenity, having regard to Policies D1 and D5 of the Sedgefield Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Travel Plan

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 8 and 9 of the National Planning Policy Framework.

Final Travel Plan

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 8 and 9 of the National Planning Policy Framework.

SUDS

11. Reserved matters application for the relevant phase shall include a detailed scheme for the disposal of foul and surface water for that phase for approval by the Local Planning Authority. The submitted scheme shall be based on sustainable drainage principles set out in Queensberry Design Limited, Drainage Statement, September 2018 and the "Surface Water Principles" contained within the County Durham Surface Water Management Plan 2011 (or updated) and shall include:-

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained.

The development there after shall be carried out in accordance with the approved scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 14 and 15 of the National Planning Policy Framework.

Noise Mitigation

12. Reserved matters applications for the relevant phase shall include a scheme of noise mitigation measures for that phase, in accordance with an up to date noise impact assessment which considers the impact of surrounding land uses on the development. The development shall thereafter be carried out in accordance with the approved noise mitigation measures.

Reason: To protect the residential amenity of future residents from potential adjacent noise sources to comply with policy D1 of the Sedgfield Borough Local Plan and Part 15 of the NPPF.

Noise Mitigation

13. No dwelling shall be constructed within 20 metres of the All Saints Industrial Estate, the Darlington to Shildon/Bishop Auckland Railway branch line and the railway line associated with Locomotion.

Reason: To protect the residential amenity of existing and future residents from the development having regard to Policy D1 of the Sedgfield Borough Local Plan and part 15 of the NPPF.

Working hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Construction Management Plan

15. No development shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - Details of methods and means of noise reduction
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - Designation, layout and design of construction access and egress points;
 - Details for the provision of directional signage (on and off site);
 - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - Routing agreements for construction traffic.
 - Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is

required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Land Stability

16. Prior to the submission of any reserved matters application for the relevant phase a scheme to stabilise the site in relation to former coal mining activity for theta phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:

- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
- The undertaking of that scheme of further intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated 'no-build zone' for the recorded mine entry which may be required and a time frame Implementation of those remedial works.

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

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 15 of the NPPF.

Archaeology

17. No development within the land identified within Figure 2 of the Geophysical Survey Report ref NAA 17/17 Dated May 2017 shall take place until a scheme of archaeological work in accordance with a written scheme of investigation for that area has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

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

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

Land Contamination

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

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

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

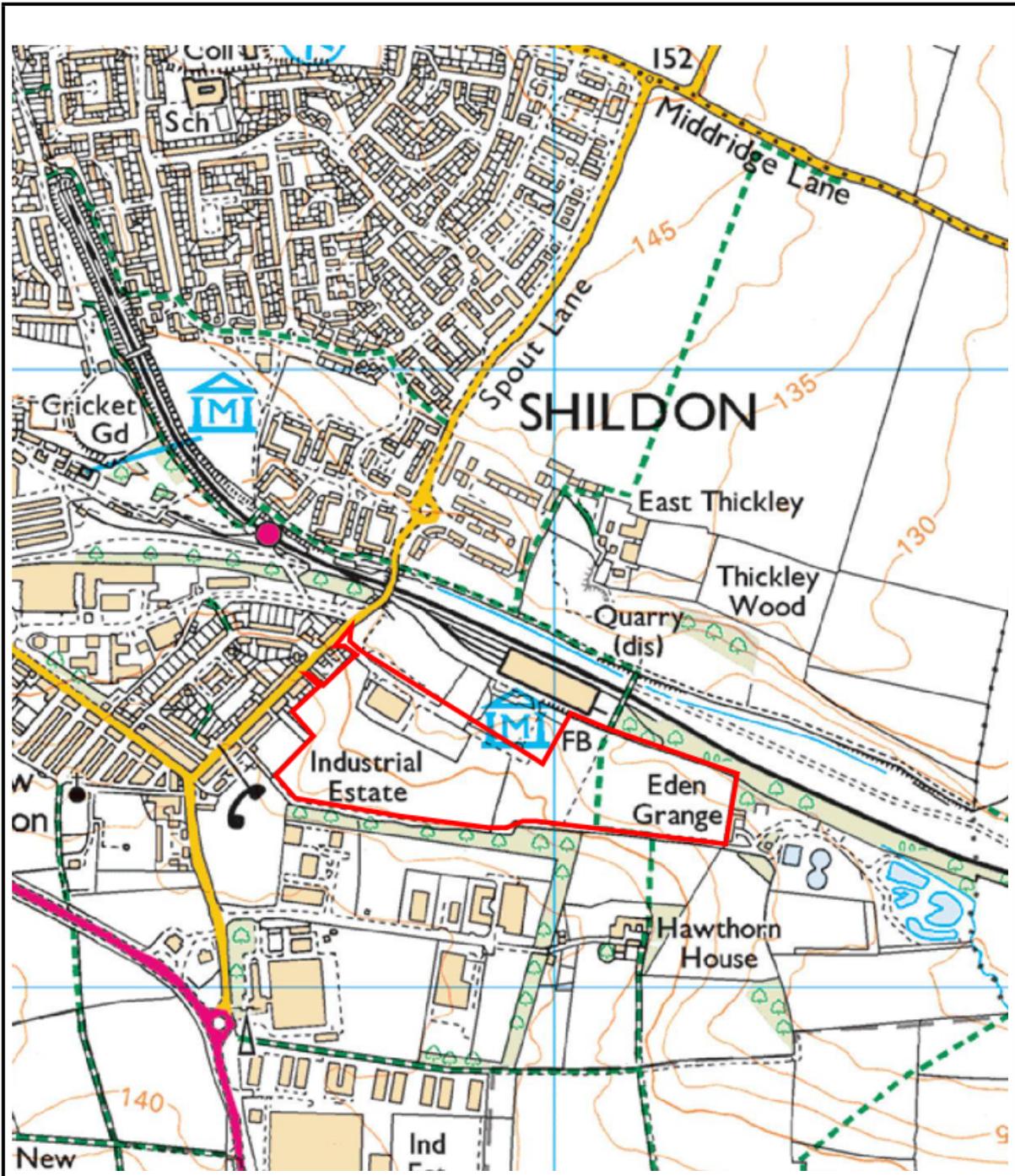
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 15 of the NPPF. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information
The National Planning Policy Framework
National Planning Practice Guidance Notes
Sedgefield Borough Local Plan
The County Durham Plan (Preferred Options)
The County Durham Strategic Housing Market Assessment
Statutory, internal and public consultation responses



Planning Services

Outline planning application for residential development (Use Class C3) together with access, open space and landscaping with all matters reserved except for access.
DM/18/00101/OUT

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Comments

Date September 2018

Scale Not to scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01431/OUT
FULL APPLICATION DESCRIPTION:	Residential development of 88 dwellings (outline, inc. access)
NAME OF APPLICANT:	Frankill Ltd
ADDRESS:	Land at Rodridge Farm Rodridge Lane Station Town Wingate
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Graham Blakey, Senior Planning Officer 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located upon the western edge of the village of Station Town, Wingate. It lies adjacent to Newholme Estate, post-war residential development, and Ridgeway House Nursing Home and is formed of three agricultural fields. Rodridge Cottage Farm, a disused farm complex, borders the site to the south (in the control of the applicant) with the dismantled railway line and cycle route further beyond the site to the north. Open fields lie to the west and heading towards Trimdon Colliery.
2. Following the pattern established by the village itself, the site is broadly orientated north-south across the three parcels of land. The topography of the site sees the former Rodridge Cottage Farm occupy an elevated position above the site, with land falling away north, decreasing in steepness towards the northern site boundary. The land also falls more generally from west to east in to the village where close to the Newholme Estate it rises more sharply to the existing housing.
3. Pre-existing boundary treatments and landscaping features remain, such as the dividing field boundaries and the boundary to the existing housing. Trees feature within the boundary to the Newholme Estate on the southern part of the eastern boundary forming a semi-dense visual screen when in leaf.

4. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Carstead Wood West Local Wildlife Site lies approximately 240m to the south west, beyond Rodridge Cottage Farm. No recorded public rights of way are contained within the application site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage assets are the Holy Trinity Church and Mining Disaster Memorial within Wingate, 800m to the north.

The Proposal

5. Outline planning permission is sought for the erection of 88 dwellings, featuring 15 bungalows, with matters of landscaping, layout, scale and appearance being reserved for agreement later. Access is therefore also sought for approval at the outline stage. Vehicular access is proposed from the eastern part of the site via Newholme Estate in two locations where the current road system comes to an end.
6. An indicative site layout has been provided by the agent for the proposal to demonstrate the delivery of 88 dwellings, pockets of open space and a Sustainable Urban Drainage System (SuDs) basin feature to the northern part of the application site. Housing is shown as a continuation of the Newholme Estate at the points of entry, but forming its own character areas once within the estate. The application proposes to deliver 10% of the total proposed housing as affordable homes.
7. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

8. No relevant planning history.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It

defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

12. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 Delivering a sufficient supply of homes* – To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining a planning application;; flood risk and coastal change; health and well-being; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; renewable and low carbon energy; travel plans, transport assessments and statements, use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

Easington District Local Plan (2001) (EDLP)

23. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
24. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
25. *Policy 14 – Protection of Special Areas of Conservation.* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
26. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* Seeks to protect such areas by only permitting development which adversely affects such areas where this no alternative solution and the development is in the national interest.
27. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.

28. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
29. *Policy 19 – Management of Areas of Nature Conservation Interest.* Seeks to protect all areas of nature conservation interest including through the application of other relevant conservation interest related policies within the Local Plan so as to control inappropriate development.
30. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
31. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
32. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
33. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
34. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
35. *Policy 39 – Design for Art.* Encourages the provision of artistic elements within new development.
36. *Policy 66 – Provision of Outdoor Play Space.* This policy requires developers to provide adequate provision for children’s play space and outdoor recreation space in new major housing developments.
37. *Policy 90 – Protection and Provision of Outdoor Sports Facilities.* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.

RELEVANT EMERGING POLICY:

The County Durham Plan

38. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An ‘Issues & Options’ consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the ‘Preferred Options’ was approved for consultation at Cabinet in

June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. Hartlepool Borough Council – Raises no objections. Junctions to A19 in the Durham Council area but extensively used by residents of Hartlepool. Work is being undertaken to improve the Sheraton Junction but it will remain close to capacity and this should be accounted for by DCC.
40. Highways England – Raises no objections as the on-going works by Durham County Council to improve the graded separated junction A19 / A179 / B1280 at Sheraton would be sufficient to accommodate this development.
41. *Highway Authority* – No objections have been raised on highway grounds, with trip generation and distribution of traffic from the site considered to have been modelled appropriately. As a result, no highway mitigation is required. Proposed vehicular access is via two separate access points and is considered acceptable. A number of detailed design issues are raised with the indicative layout.
42. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the finer detail of the drainage scheme.
43. *Drainage and Coastal Protection* – Raises no objections, however, further detailed specification of the drainage proposals which should include adherence to the Councils Sustainable Urban Drainage Systems Adoption Guide (2016) and adherence to greenfield run-off rate are necessary.

EXTERNAL CONSULTEE RESPONSES:

44. *Durham Constabulary Architectural Liaison* – No objections are raised to the principle of the development. There are some suggestions in regard to amending the layout from a designing out crime perspective.

INTERNAL CONSULTEE RESPONSES:

45. *Spatial Policy* – Raises no objections. The Council, through the revised NPPF and Standard Methodology for calculating housing supply figures, considers to have a housing supply in excess of 5 years required by Paragraph 73 of the NPPF; however as the planning policies in the development plan are out-of-date with respect to the housing figures which underlie their determination of this application therefore reverts to Paragraph 11 of the NPPF.
46. In the planning balance exercise, the boost to supply of housing is considered to carry less weight as a result of the Council being able to demonstrate a supply in excess of 6 years. Provision of affordable or specialist housing can be considered as benefits in terms of satisfying local housing need and the planning balance. Paragraph 8 of the framework considers the three dimensions of sustainability and in this application, the development of the site would contribute to the economy through the construction and

delivery of houses, both during their construction but also via new residents supporting local services. This can be considered as a benefit.

47. EDLP Policy 3 defines 'development limits' for settlements within the former District of Easington and advises that development outside of the 'settlement limits' will be regarded as development within the countryside. The policy advises that other than specifically allowed for by other policies, development in the countryside will not be approved. However, it is acknowledged that these development limits were informed in part by housing requirements for a period which has since passed. As such they cannot be considered as being up-to-date, albeit in many instances they may still be relevant from a landscape, townscape or countryside protection perspective. Therefore it is for the decision taker to determine the weight to be given to this policy.
48. Consultation with relevant specialist teams will identify whether there are any additional matters to consider under the Paragraph 11 test which should be factored into the planning balance required of NPPF.
49. *Design and Conservation* – Raises no objections in principle. Indicative layout requires further work at reserved matters stage to make the final development acceptable.
50. *Landscape* – The submitted Landscape Impact Report deals with the effect of development on features & landscape character is also dealt with in the report. It identifies mitigation requirements in the form of structure planting.
51. The Landscape Impact Report describes the hedges contained within the site as "poor in quality and do not contain the requisite number of species to hold any significant value, as confirmed by the ecological report". This is to dismiss their visual amenity value and character in the landscape, given their contiguous characteristics, and their long safe useful life expectancy under careful management.
52. The Landscape Management Plan quotes the Hedgerow Regulations 1997 that relate to hedgerow removals rather than any details of hedge planting. Appendix B. Landscape Proposals contains the nationally and/or regionally non-native hedge species which would be inappropriate and a local hedgerow mix should be preferred.
53. There is evident conflict between Council adopted landscape spatial strategy and the proposed development. The proposals would have some significant adverse landscape and visual effects.
54. *Landscape (Arboriculture)* – The site has a large amount of field boundary hedging internally. To the west of the existing houses in Newholme Estate North, the hedgerows include numerous trees. The development will require the removal of significant sections of internal hedging and, at the proposed access points from Newholme Estate, several of the ash trees will require removal. At present, the loss of some of these trees for access would not have a major detrimental impact on the visual amenity. It is recommended that the applicant produces a Tree Protection Plan for those trees to be retained by condition and a suitable landscape plan provided at reserved matters that includes tree planting in sustainable locations in mitigation of the tree loss.
55. *School Places and Admissions Manager* – The development is likely to produce 27 primary pupils and 11 secondary pupils. There are insufficient school places at primary school age within the Wingate area to accommodate the development of this scale. Consequently, a contribution of £396,981 will be required for the provision of additional teaching accommodation.

56. *Ecology* – A Preliminary Ecological Appraisal and Bat Roost Potential Survey report show that broadleaved trees, semi-improved grassland, amenity grassland and hedgerows are to be lost to facilitate this development. The indicative landscaping plan shows several new areas of habitat with screen planting and SUDs proposed. Although the extant habitats on site do not meet the criteria for Priority Habitats they still have a biodiversity value that needs to be taken into account as the mitigation provided within the Landscape plan may not be sufficient to mitigate for the loss of the existing habitats. A conditional approach to securing appropriate levels of open space is advised or off-site compensation/mitigation secured.
57. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a site investigation and risk assessment, remediation strategy and subsequent verification report.
58. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. The application relates to a noise sensitive development and noise generating development, especially in relation to the construction. However there are no noise sources close to the proposed site that would impact on the future occupiers of the housing therefore no controls are required on controlling existing noise sources. A condition is recommended so as to agree a construction management plan.
59. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections at this stage. A revised Air Quality Assessment is under review. A Dust Action Plan is recommended to mitigate impacts during the construction phase of the development. It is recommended that pedestrian and cycle routes are incorporated into the development to link to local facilities whilst consideration of means to encourage low and zero emission vehicle use should be made.
60. *Affordable Housing* – Raise no objections. The 10% affordable housing requirement is proposed by the applicant and is suggested that a tenure mix of 70% affordable rent and 30% affordable home ownership be secured by planning obligation.
61. *Archaeology* – Site is a large greenfield development that has seen no previous modern development. The submitted site investigation and geophysical survey data have highlighted areas required for trial trenching.

PUBLIC RESPONSES:

62. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 3 letters of objections were received. The main concerns raised by objectors are summarised as:
 - As per previous application for live work units to Rodridge Farm itself, the proposed development will set a precedent for inappropriate development in the countryside and will result in the encroachment of the linear settlement into the countryside to the detriment to the character of the area.
 - The development will require the removal of significant sections of internal hedging and several Ash Trees will be removed in order to create the proposed access points from Newholme Estate. This will have a significant visual impact.
 - Impacts from the development upon protected species, such as bats, and breeding birds.
 - Impacts upon the amenity of neighbouring residents through loss of view and outlook due to the new houses.

- The site is a prominently elevated position and houses built will have an adverse impact upon our property and would cause a reduction in light levels and an unacceptable loss of privacy.
- Congestion to Newholme Estate cul-de-sac, with parking causing the road to be blocked. An issue for emergency vehicles trying to get to the new development site.
- Additional traffic would make existing green spaces to Newholme Estate unsafe through additional traffic.
- Existing flooding to Millbank Terrace (B1280) and Newholme Estate would be exacerbated by introducing new housing.
- Foul water drainage connection and The Cottage (rear of Millbank Chapel Terrace) has overflowed in to the garden on several occasions, this must be looked at as part of this development.

APPLICANTS STATEMENT:

63. It is considered that the proposed development is in general compliance with the NPPF and the saved policies of the local plan. It is acknowledged that the proposed development is located outside the defined development limit and potentially therefore conflicts with the EDLP policies regarding development in the open countryside.
64. However in this case the NPPF, a significant material consideration, sets out that based on the out of date nature of the councils plan policies, that the presumption in favour of the sustainable development is engaged, and the development is required to be considered in the context of Paragraph 11 of the NPPF. This states that development should be approved without delay unless any adverse impacts of doing so would significantly outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
65. The development would result in the encroachment into the open countryside with some landscaping implications by extending the built environment into the countryside. The land is however to some extent constrained from an agricultural viewpoint because of its proximity of the built form of the settlement and the size of the total farmstead is inadequate to support viable independent farming.
66. The proposed development because of its topography and layout will have limited visual impacts and the proposed landscape scheme will have a positive impact on the landscape and in future establishing a 'visual edge' to the settlement.
67. Therefore, given the site limited visibility and relatively limited land take of the scheme, for the purposes of Paragraph 11 of the NPPF, this harm would not significantly and demonstrably outweigh the recognised social and economic benefits of the proposed new housing.
68. It is considered that the NPPF presumption of favour is a material consideration of sufficient weight to outweigh the perceived conflict with the relevant EDLP policies and the application is in principle acceptable and should be supported providing much needed new housing.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

The Development Plan

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

The NPPF

71. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Five Year Housing Land Supply

72. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method*

in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).

73. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
74. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.
75. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

76. The site is located to the western edge of the settlement of Station Town, falling outside of the settlement limits defined by EDLP Policy 3 and thereby in conflict with the policy. Given the age of the EDLP and housing supply figures that informed it, the restriction of housing by settlement limits is informed in part by housing requirements for a period which has since passed. Subsequently, the Policy must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policy reduced as a result. However Paragraph 213 of the NPPF concludes that out-of-date policies should not be considered irrelevant, but that the amount of weight given to the policy varied in accordance with their consistency with the NPPF. While the restrictive nature of Policy 3 is not consistent with the NPPF, the protection of landscape and visual harm that the Policy also implied can be assessed as part of the landscape impact of the proposed development later in this report.
77. Consequently, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any NPPF policies that protect areas or assets of particular importance which provide a clear reason for refusal. This planning balance is undertaken at the end of this report in light of considering all material considerations.

Locational Sustainability of the Site

78. The County Durham Plan Settlement Study (2018) is an evidence based document whose scoring matrix rates Station Town as part of the 'Wingate Cluster'. These medium sized villages will have access to some but not all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. Between Wingate and Station Town access to schools, doctors surgery shops and bus service are all possible, with most of the services skewed towards Wingate rather than Station Town. It is considered therefore, that settlements of this nature have some

attributed that would make them locationally sustainable, subject to specific site constraints.

79. Paragraphs 108 and 110 of the NPPF set out that development proposals should promote sustainable transport modes, prioritising pedestrian, cycling and access to public transport. EDLP Policy 36 encourages the use of public transport and reduce the reliance upon the motor car, and is consistent with the NPPF. Schools within Wingate all lie within appropriate walking distance and can be accessed by bus, Part of the Wingate service centre, formed of some small scale retail units (including a post office), are located approx. 780m from the application site.
80. The proposed development also could encourage walking and cycling through proximity to the network of dismantled railways and public rights of way which surround Station Town, including National Cycle Route 1 which runs through village and north east towards Peterlee. Peterlee lies around 5 miles to the north east of the village and is a 20 minute bus journey. Hartlepool lies to the south east and is a 30 minute bus journey away. Bus stops are located to the main thoroughfare through Station Town, east of the Newholme Estate through which this site would take access. Direct links are possible to both Peterlee and Hartlepool from these stops, with buses running every 20-30 minutes in both directions throughout the day. A range of transport options would therefore be available for future residents.
81. As a result, it is considered that in the vicinity the site has access to an array of services and facilities, adequate to serve the development proposed, and that these are within relative ease of reach by future residents. No objections are therefore raised having regards to the locational sustainability of the site, and carries weight in favour of the proposed development.
82. Overall, it is considered the walking distances, access to the cycle and footpath network and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Paragraphs 108 and 110 of the NPPF, which encourages the integration of new development into the existing environment; and EDLP Policies 1 and 36, which are considered consistent the NPPF in this respect.

Highway Safety and Access

83. EDLP Policy 36 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. CDLP Policies T17 and T6 seek to ensure that safe, attractive and convenient footpath links are provided, and where appropriate, to serve new development and provide access to public transport. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application, except for Policy T15 which uses out of date guidance and so is only partially compliant.
84. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development. The Council's Highways Authority consider the assessment establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered severe. Both Highways England and adjoining

authority Hartlepool Borough Council are also satisfied that the impacts upon the A19 at Sheraton Park would be mitigated by the on-going works by the Highways Authority to improve the junction through signalisation.

85. The NPPF sets out at Paragraph 108 that safe and suitable access can be achieved for all people while Paragraph 111 sets out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be unacceptable impact upon highways safety, or the residual cumulative impacts on the road network would be severe.
86. The proposed development would provide access to the predominant sustainable transport option in the area, the bus, and the cycle network in the area. EDLP Policy 36 promotes the increased access of new development to sustainable transport links, and with the surrounding bus stops and the cycle network, this proposal is considered to adhere to the requirements of the Policy.
87. Residents of Newholme Estate have raised concerns over the access points for the proposed development and the current parking situation at this point of the estate. The Highways Authority consider that the road width of the Newholme Estate would be sufficient to accommodate additional traffic from the proposed development through the estate to the B1280 main road as well as existing residents demands.
88. As a result, the impacts from the proposed development are considered insignificant and would not lead to a severe residual cumulative impact in the context of Paragraph 109 of the NPPF. The proposals therefore comply with EDLP Policy 36 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Landscape Impact, Layout and Design

89. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. EDLP Policy 35 requires that the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space and appropriate landscape features and screening where required. Policy 38 requires new development to reduce crime through consideration at the design stage of a scheme, with Policy 39 looking to improve developments through the provision of artistic elements. Parts 12 and 15 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
90. EDLP Policies 35, 38 and 39 are considered consistent with the content of the NPPF. The key policy consideration in this matter is whether the site is read together well with the built environment and the surrounding landscape features, and represents good design.
91. The application is in outline form, with an indicative layout given to demonstrate the ability of the site to accommodate the number of houses proposed together with the various features expected from housing development, such as public open space and any drainage features. Matters of layout, landscaping, scale and appearance are all reserved for approval later, however officers are satisfied that these can be

accommodated in a successful manner as demonstrated by the indicative layout. The layout also includes provision for single story bungalow development, as referred to within the submitted Planning Statement. This tenure of dwelling is not always present upon new housing proposals and is considered a benefit that should be secured with and recommendation for approval. Access is a matter sought for approval at the outline stage, with detailed designs for the proposed junction and associated improvements to take two access via the Newholme Estate are included with the application.

92. In the broad landscape context, the position of the site against the built environment on the settlement edge. Representations have been made which cite the incursion in the countryside would be at odds with the linear development of Station Town and so detrimental to the character of the area. The site is not flat, it runs from south to north and substantially from west to east to a hollow centrally and then partly back up to the Newholme Estate and the field boundary there. Currently made up of three separate parcels of land, the boundaries of which are made up from neglected and sporadic agricultural hedgerow and stock fencing and cross the site from east to west at equidistant intervals. Landscape officers have noted their loss and highlighted this as a concern. Final consideration as to the extent of hedgerow retention into the layout or their loss would be resolved at the reserved matters stage. In terms of visual impact there will be some impact as a result of the proposed development, simply through the replacement of agricultural field with built development, and is constituted as having some significant adverse impact upon the landscape.
93. The topography of the site is considered by officers to play an important role in views of the development. The presence of a proposed structure planting buffer to the western boundary of the site, at the most elevated and visible area outside of the settlement, would play a decisive factor the visual impact of the proposed development in the long term. A new green edge to this part of Station Town would be considered a positive in landscaping terms, however this buffer would take 10-15 years to reach some form of suitable screening.
94. Previously, planning permission was sought upon Rodridge Cottage Farm itself for a development of live-work units (ref: 5/PL/2011/0037) and was refused by the Local Planning Authority for being a 'linear extension of the settlement into the open countryside to the detriment of the character of the area. Rodridge Cottage Farm follows more closely the lane which runs east-west towards West Woodburn, a farm to the west. The relatively narrow depth of the site from the lane would have a different impact upon the character of the area to that of the proposed development and so must be considered accordingly. The proposed development runs more north-south and lies to the west of the current built development. Station Town has seen similar development to that proposed to the eastern side of the village in the 1970s (Ferndale Close).
95. Taking the views of landscape officer together with the proposed mitigation structure planting and the topography of the site, officers considered that the proposal would offer no net benefit or loss in landscaping terms and as such would be weighted accordingly in the planning balance.
96. Tree losses would also occur as a result of the development and its proposed accesses and this would cause some harm. Tree officers however are satisfied that the relevant losses and subsequent retention of some trees can be secured and a request for the detail of the retained trees in relation to the proposed access points is considered appropriate.

97. Indicatively, the proposed layout shows the site can comfortably accommodate the level of housing proposed. It has segregated the private and affordable housing, however this would be bungalow type housing, and features scope for overland drainage features. Issues surrounding hedgerow retention would need answering at reserved matters stage. As such, the development would be considered at outline stage to comply with EDLP Policies 35 and 66 and be an appropriately designed and visually interesting development. Compliance with Parts 12 and 15 of the NPPF would also be achieved through mitigating planting and therefore overall adds some weight in favour of the development in the planning balance.

Affordable Housing

98. In order to deliver a suitable amount and variety of homes, local need should identify, among other things, affordable housing requirements for their area, whereby Paragraph 60 of the NPPF encourages the provision of affordable housing based on evidenced need. The up-to-date evidence in the Strategic Housing Market Assessment establishing a requirement for 10% provision, amounting to 9 dwellings. This proposal includes provision in excess of that figure at 15 units and in bungalow form.
99. The Housing Delivery Team has requested that this be delivered in the form of 70% affordable rent and 30% affordable home ownership (i.e. discounted sale). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 for the minimum 10%, with housing in addition to that figure being considered in the planning balance.

Residential Amenity

100. EDLP Policies 1 and 35 requires that the design and layout of development to reflect the character and scale of the adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. Policy 38 relates to designing out crime in development. These Policies are considered NPPF compliant with Paragraph 127 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future users.
101. The indicative site layout for the proposed 88 dwellings satisfactorily demonstrates sufficient space is available within the application site to accommodate the proposed number dwellings in a manner which would not cause undue impact upon the dwellings to the east of the site. Existing dwellings to the east of the site are orientated north-south direction where they border the site. The indicative layout has proposed dwellings that would follow this orientation and continuation of the housing form to the main access road from the Newholme Estate. This would show that a layout is possible that can reduce the impact of the proposed new housing upon the existing occupiers through a continuation of the existing built form. The cul-de-sac of sheltered accommodation attempts to follow this ideology to some degree. While level differences would still require assessment to ensure this is the case at the reserved matters stage, officers consider that the impacts upon privacy and light to existing residents would not be compromised in accordance with EDLP Policies 1 and 35. Internally, the indicative layout also demonstrates there is sufficient space to accommodate all proposed dwellings without impact upon proposed dwellings.
102. In terms of noise, the application is accompanied by a noise survey which identifies that the impacts from the surrounding road network has a relatively high background noise environment during the day, but reduced during the night when traffic movements would be limited nearby. The Council's Technical Advice Note (TAN)

regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.

103. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. They note the presence of a former farm complex to the south of the application site and that this is owned by the applicant and referenced in the applicant's Planning Statement as no longer being operational, nor would become operational. Planning permission was gained in 2007 and subsequently implemented for the change of use of a number of the farm buildings for a storage and industrial B8 use though again more recently it is understood that such commercial activities have also ceased. This B8 use was subject to conditions including control over hours of operation. Overall taking into account that the lawful uses which could restart at the farm complex would involve the permitted B8 use and likely only limited agricultural usage of remaining agricultural buildings, officers consider that it is unlikely that those operations would unacceptably harm the amenity of prospective occupiers of the proposed development.
104. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regard to these measures, the application is considered to be in accordance with EDLP Policies 1 and 35, and Part 15 of the NPPF in this regard.
105. With regard to air quality, the application is accompanied by an air quality survey which outlines that the impact of the development upon air quality once occupied to be negligible, with the predicted amount of air quality pollutants remaining below the annual mean air quality objective. Environmental Health and Consumer Protection Officers are reviewing the findings of the report and an update will be given to members on the day of the committee meeting. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), is proposed, and can be secured by means of a planning condition. The application is therefore considered to be in accordance with EDLP Policies 1 and 35 and Part 15 of the NPPF in this regard.

Public Open Space

106. EDLP Policy 66 seeks to ensure adequate provision of open space is provided in new residential developments. EDLP Policy 90 relates to the protection and provision of outdoor sports facilities. These policies are considered partially consistent with the NPPF and so can be afforded limited weight as whilst the objectives of the Policy remain in conformity, the standards have since been updated through the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
107. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the indicative proposed layout, it is considered that the development can accommodate appropriate levels of Amenity Open Space and Natural Green Space within the development. Therefore, taking into account the levels

of open space proposed on site, those typologies of open space for which there are sufficient provided already within East Durham, improvements to existing areas parks and recreation ground and youth place spaces in the vicinity would be required by way of an in-lieu financial contribution totalling £104,157, and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.

108. Open space proposed within the site would be formalised at the reserved matters stage, however a total of 1.5Ha of open space are proposed by the application and it is therefore proposed to ensure this level of open space is provided by the application by way of condition.
109. Overall therefore, the application is considered to be in accordance with EDLP Policies 66 and 90, and Paragraph 96 of the NPPF with regards to the provision of public open space.

Flood Risk and Drainage

110. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
111. With regards to how the development would address drainage, the application proposes a suite of Sustainable Urban Drainage System (SUDs) principles and has accommodated space within the layout for a drainage base if required. The options for soakaway or discharge into nearby water courses are proposed.
112. Drainage and Coastal Protection officers require surface water run-off rates to be comparable to that of the existing use of the land (i.e. greenfield). Surface water attenuation will be required to ensure this rate can be achieved and is proposed via the above in the form of a SUDs scheme, which will prevent external flooding for both 1 in 30 year floods and up to 1 in 100 flood events. Again, detail of this scheme is subject to agreement of the final layout of the development, and as such, a condition to require the details of the proposed SUDs scheme should be used.
113. With regards to the disposal of foul waters Northumbrian Water have requested a condition be included to detail the foul water connection to their services.
114. The development proposes to meet the required level of surface water run-off at greenfield run-off rate through the provision of a SUDs scheme and is therefore considered acceptable in principle subject to detailed assessment at the reserved matters stage, and is therefore compliant with Part 14 of the NPPF.

Ecology

115. EDLP Policies 14, 15, 16, 18 and 19 seek to protect sites of nature conservation importance and areas of ancient woodland. Paragraph 175 of the NPPF seeks to protect biodiversity and also protected wildlife sites from the effects of proposed development.

116. The closest site of nature conservation interest is Carstead Wood West Local Wildlife Site (LWS) which is located 240m to the south west. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low.
117. The County Ecologist has considered the content of the submitted information and has advised that the methodology and findings are sound. They note the internal hedgerows running east-west would form foraging routes for birds and bats as well as providing habitat for wildlife. Their retention at reserved matters stage should therefore be explored thoroughly.
118. Ultimately however, the proposals would lead to the loss of undeveloped land which would contribute in its entirety to biodiversity in the local environment. The development of the land would result in biodiversity loss which would be off-set to some degree with the proposed structure planting. Overall, the County Ecologist has accepted the principle of this approach, and subject to securing this level of open space and future improvements in lieu of on-site provision.
119. Therefore, having regard to the submitted reports, the development would, it is considered, lead to no net loss in biodiversity in accordance with the aims of Paragraph 175 of the NPPF. No harmful impacts upon local or statutory ecological sites would occur in accordance with EDLP Policies 14, 15, 16, 18 and 19, each of which have degrees of consistency with the NPPF and can be attributed weight.

Heritage Impacts and Archaeology

120. The application site does not lie within or contain any designated heritage assets, with the closest being the Holy Trinity Church and Mining Memorial within Wingate over 800m to the north, and with no direct visual relationship with the site. Consequently, it is considered that there would be no harm upon the designated heritage assets. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
121. Analysis, including field evaluation, is required to establish if the presence of archaeological assets are present beneath the site and the implications it would have for the development. The desk-based study highlights areas where trial trenching should be undertaken and the Council's Archaeology Officer is in agreement with this methodology. Given the outline nature of the application, officers are satisfied that the trial trenching can be undertaken prior to the submission of the reserved matters so that the layout of the proposed development can be informed where necessary.
122. Paragraph 196 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 16 of the NPPF and EDLP Policy 24 (partially consistent with the NPPF).

Other Issues

123. The School Places Manager has advised that there is insufficient capacity at both primary school age places in the Wingate area in proximity to the application site. Therefore, as a result of the proposed development, additional school places at this level would be required in order to accommodate the pressure upon school places likely to result from this development.
124. A contribution of £396,981 is required respectively for the provision of primary school places in order to provide the additional capacity and this would be secured by means of a planning obligation.
125. Being proposed development involving a sensitive end use, the site has been subject to Phase 1 study to assess the risk of contamination. These reports identify that contamination is clearly present, and has identified proposed remediation. Environment, Health and Consumer Protection officers raised no objection to the proposal subject to a planning condition requiring the submission of further work to the proposed remediation strategy and so as to ensure that this contamination is correctly mitigated. The proposed development complies with Paragraphs 170 and 178 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.
126. Paragraph 76 of the NPPF allows local planning authorities flexibility in granting time limits upon proposed housing developments to facilitate implementation in a timely manner. It is considered that the proposed site would be a candidate for such a site which could be subject to a reduced timescale for implementation of the development by reducing, by one year down to two years, to the period by which reserved matters must be submitted. Officers consider this would not threaten the viability or deliverability of the site in this instance.

Planning Obligations

127. Paragraph 56 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards education provision and offsite open space provision are all considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

128. As a result of EDLP policies for the supply of housing being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

129. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed

need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

130. This boost to housing supply would extend to the delivery of affordable homes as the development proposes the delivery of 10% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990. This application also proposes affordable housing addition to that required by the SHMA.
131. As part of the proposals, the applicant has proposed 15 units of sheltered accommodation which is referred to as being single story bungalows. Development of this nature is considered a benefit in the planning balance and should be given positive weight accordingly.
132. Locationally, it is considered the walking distances, access to the cycle and footpath network and the established bus service would give future residents alternative options to the private motor car to access services, amenities, nearby town centres and employment opportunities in these centres and beyond.
133. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

Adverse Impacts

134. Some adverse landscape impact would result from the incursion of built development in to the countryside to the west of Station Town. The applicant proposed structure planting to the western and northern boundaries of the site to mitigate the impact of the development, however these will only be effective from the medium term (10-15 years). The topography of the site further reduces the visual impact of the main body of the development. However, as a result of the immediate impacts of built development, it is considered sufficient to give weight against the development in the planning balance.

CONCLUSION

135. The residential development would draw support from the NPPF through its locational sustainability and access to services and alternative transport methods. It is considered that this, together with economic benefits and provision of affordable housing would outweigh the immediate impacts of upon the landscape from introducing built development to the western side of Station Town. Medium and long term mitigation of the visual impact is considered key in the long term assimilation of the development in the landscape.
136. As set out above, in the context of Paragraph 11 of the NPPF, the proposed development would result in limited adverse impacts, and they do not “significantly or demonstrably” outweigh the benefits identified above, and as a result, the proposed development can be considered to constitute sustainable development for the purposes of Paragraph 11, for which there is a presumption in favour.
137. The proposal has generated some public interest, with concerns regarding the principle of the development and the impacts upon the highway network. Concerns

expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

- Provision of a minimum of 10% affordable housing units on site;
- £396,981 towards the provision of additional capacity at primary schools in the Wingate area;
- £104,157 towards the provision or improvements to open space and recreation within Blackhalls Electoral Division;

and subject to the following conditions:

Time Limit Outline

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years beginning with the date of this permission and the development 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 date of approval of the last of the reserved matters to be approved.

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

Submission of Reserved Matters

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

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

No. of Dwellings

3. The development hereby approved shall comprise a maximum of 88 dwellings, of which 15 shall be bungalows.

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

Approved Plans

4. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan	Drawing No.	Date Received
Site Location Plan	18022101	11/05/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 3, 14, 16, 18, 35, 36, 37, 38, 66, 90 and 92 of the EDLP and the NPPF.

Pre-Commencement Conditions

Contaminated Land

5. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2, a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2

months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15. This is required as a pre commencement condition in order to mitigate potential impact upon the sensitive end use of the site which needs to be considered before site works commence.

Construction Management Plan

6. Prior to the commencement of any works of demolition, remediation or construction hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority.
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction;
 2. Details of methods and means of noise reduction;
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration. The use of vibrating rollers during construction of roads and piling mats should also be included in these details;
 4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractor compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Drainage

7. Prior to the commencement of the development hereby approved a detailed scheme for the provision of foul and surface water drainage informed by Flood Risk and Drainage Assessment, 29/03/2018 (Ref: 2018-034), shall be submitted to and approved in writing. The scheme for surface water drainage shall include sustainable urban drainage systems within the design in accordance with the Council's SUDs Adoption Guide 2016 and details of the management and maintenance regime for those systems. The scheme for surface water run-off shall not exceed 21.3 l/s. The drainage shall be completed in accordance with the details agreed.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 14 and 15 of the NPPF. This is required as a pre commencement condition to ensure that the proposed development provides adequate levels of drainage which needs to be considered before site works commence.

Tree Protection

8. Prior to the commencement of the development details of the trees and hedgerows proposed for retention shall be submitted to and approved by the Local Planning Authority. Once agreed, retained trees shall be protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policies 1 and 35 of the Easington District Local Plan and Parts 12 and 15 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Ecology Mitigation

9. A scheme of ecological mitigation shall be submitted at the reserved matters stage and shall include details of establishing biodiversity habitat on-site, and shall be implemented in accordance with a timescale to be agreed, and maintained in perpetuity in accordance with an agreed maintenance programme.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 1, 16 and 18 of the Easington District Local Plan and Part 11 of the NPPF.

Time Limited Conditions

Open Space Maintenance

10. Prior to the occupation of the first dwelling a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policies 35 and 66 of the Easington District Local Plan and Parts 12 and 15 of the NPPF.

Travel Plan

11. Within a period of six months of the first occupation of any part of the development of the relevant phase, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 36 of the Easington District Local Plan and Parts 9 and 15 of the NPPF.

Other Conditions

Amount of Open Space

12. Notwithstanding the indicative layout submitted with the application, a minimum of 1.5 hectares of open space shall be provided on site.

Reason: In the interests of appearance of the area in accordance with Parts 12 and 15 of the NPPF.

Working Hours

13. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

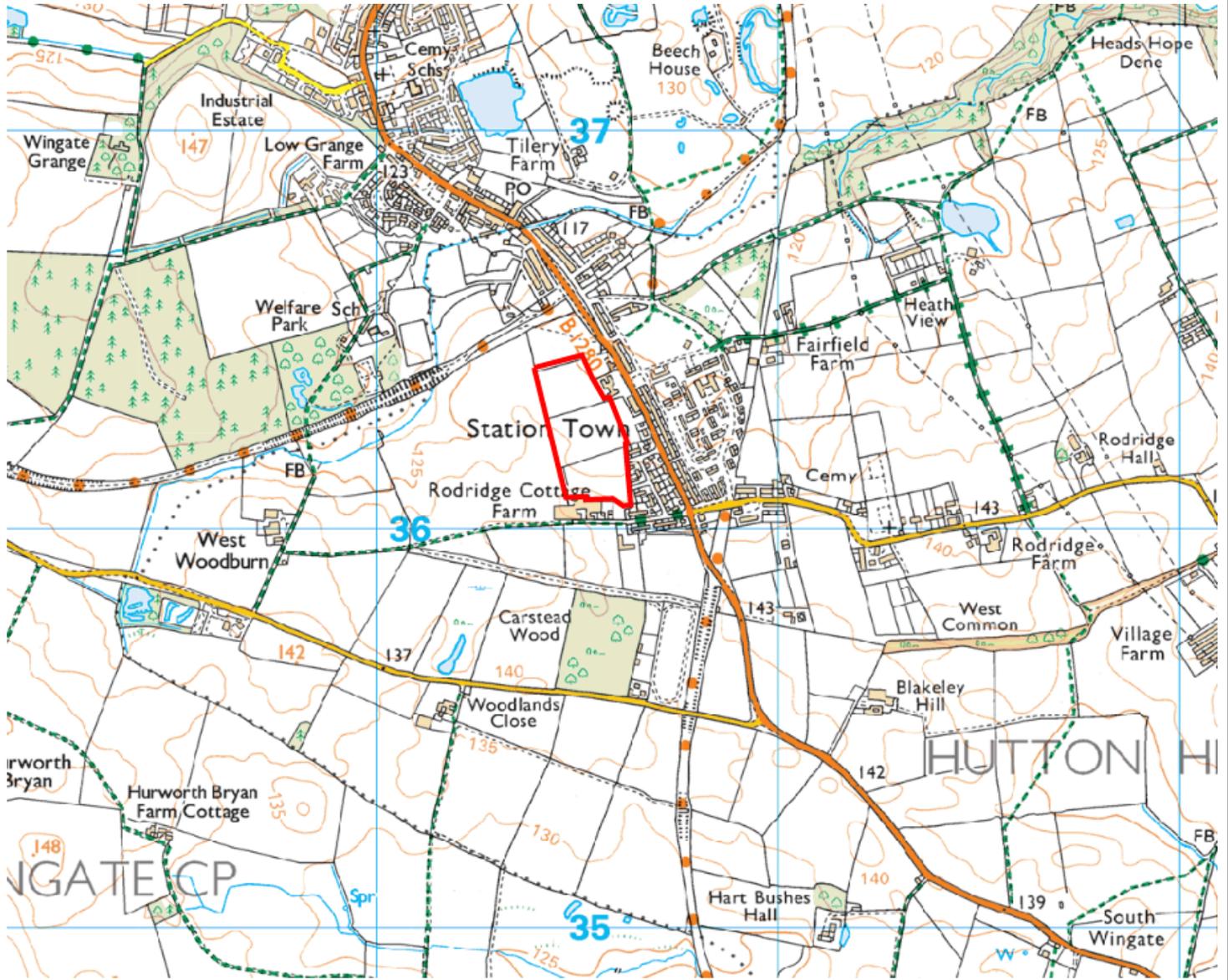
Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2018)
- Conservation of Habitats and Species Regulations 2017
- National Planning Practice Guidance
- Easington District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses




Durham
County Council
Planning Services

DM/18/01431/OUT
Residential development of 88 dwellings (outline, inc. access and layout)
Land At Rodridge Farm, Rodridge Lane, Station Town, Wingate.

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Comments	
Date October 2018	Scale Not to scale

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01812/FPA
FULL APPLICATION DESCRIPTION:	16 additional dwellings linked to DM/16/00985/OUT
NAME OF APPLICANT:	Keepmoat Homes
ADDRESS:	Land to the North of Middridge Road, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures approximately 2.6ha, and forms a part of a larger site measuring 9.20 ha in area, and is located to the western edge of Newton Aycliffe, in the vicinity of Cobbler's Hall. The larger site currently consists of agricultural land and is roughly "L-Shaped", and divided into three distinct areas by shelterbelt trees. Natural England's records show that the site is Grade 3b agricultural land. The site is bordered to the north and west by Cobbler's Hall Plantation, with the A167 lying to the east, and residential development lying beyond a belt of woodland. To the south of the site lies Middridge Road, with Middridge itself lying approximately 1km to the west. This particular application relates to the south-eastern corner of the larger site.
2. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There is a single public right of way within the vicinity of the site (Footpath No. 3 Middridge Village), which runs along the northern boundary of the site and Cobblers Hall Plantation. The plantation itself contains a number of informal unregistered routes. Immediately to the south west of the site, beyond Middridge Road, lies Byerley Local Nature Reserve, whilst 500m to the east, The Moor Local Nature Reserve can be found. The eastern edge of Middridge Conservation Area lies approximately 900m to the west of the site.

The Proposal

3. This application seeks full planning permission for 16 dwellings, and is intended to be considered in the context of the extant outline planning permission

(DM/16/00985/OUT) for the erection of 240 dwellings on the wider site. Essentially, this proposal is intended to enable the developer to construct a total of 256 dwellings on the wider site, and the design and layout of this proposal is intended to be wholly compatible with details submitted for the erection of 240 dwellings as part of Reserved Matters application DM/18/01810/RM, and the two layouts should be read together.

4. The layout itself exhibits a mix of terraced, semi-detached and detached properties arranged around a single access road. Plots 8, 9 and 10 are outward looking and Plot 7 is dual fronted in order to provide natural surveillance of the play space located in the southern area of the site. At the south western extent of the site, beyond an existing woodland belt lies the proposed Sustainable Urban Drainage (SUDs) infrastructure.
5. In terms of offsite works, a roundabout is proposed where Middridge Road meets Greenfield Way, in place of the existing traffic lights.
6. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal relating to a development previously considered by the County Planning Committee.

PLANNING HISTORY

7. Planning permission was refused in April 2008 for a development of up to 400 dwellings on the site (7/2008/0197/DM). The reasons for refusing the application were that it involved the development of a greenfield site, that there was no need to release the site to meet housing supply requirements, that flood risk had not been adequately considered, that insufficient information had been supplied in relation to impact upon biodiversity, the impact of the development upon landscape character, and that the development was poorly related to the public footpath network and existing community facilities.
8. An application (DM/14/03153/OUT) for a total of 241 dwellings was submitted in 2014 on a site immediately to the west, before subsequently being withdrawn prior to determination.
9. Planning permission was granted in February 2018 for 240 dwellings on a larger site, which includes the site subject to this application (DM/16/00985/OUT). A Reserved Matters submission (DM/18/01810/RM) containing details relating to this development is currently being considered by the Local Planning Authority. Essentially it is envisaged that the layout subject to application DM/18/01810/RM and the layout for 16 dwellings will be compatible and the whole site will be built out as a development of 256 dwellings.
10. A further application (DM/17/01436/FPA) is currently under consideration by the Local Planning Authority for the erection of 69 dwellings on land immediately to the west of the larger site.

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and

environmental, which are interdependent and need to be pursued in mutually supportive ways.

12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating

objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

20. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

25. *Policy E1 – Landscape Protection and Enhancement* – Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.

26. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
27. *Policy E15 – Safeguarding woodlands, trees and hedgerows –* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
28. *Policy H2 – Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon –* Identifies major sites which are allocated for housing.
29. *Policy H19 –Provision of a range of house types and sizes including Affordable Housing –* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
30. *Policy T1 – Footways and Cycleways in Towns and Villages –* states that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
31. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
32. *Policy L2 -Open Space in New Housing Development -* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
33. *Policy D1 – General Principles for the layout and design of new developments –* Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
34. *Policy D2 – Design for people –* Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
35. *Policy D3 - Design for access -* Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
36. *Policy D5 – Layout of housing development –* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
37. *Policy D7 – Structural Landscaping around Major Developments –* Identifies that areas of structural landscaping will be required on the outer edge of identified major housing sites.
38. *Policy D8 – Servicing and Community Requirements of New Development –* states that the Council will normally expect new developments to meet servicing

requirements, and to offset costs imposed by the development upon the local community.

39. *Policy D9 – Art in the Environment* – seeks to encourage the incorporation of artistic elements in development schemes.

EMERGING PLAN:

The County Durham Plan

40. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

Middridge Neighbourhood Plan

41. Middridge has been granted approval for the designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. The plan remains under preparation with the group currently preparing for their first formal pre-submission consultation. As there is no firm policy position within the emerging Neighbourhood Plan against which to assess the application, no weight can be attributed to the plan at this stage.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Highway Authority* – Raise no objections. Originally some concerns were raised with regards to driveways associated with Plots 11 and 13, and queries raised with regards to securing off-site highways works.
43. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.
44. *Drainage and Coastal Protection* – Offer no objections providing the development is carried out in accordance with the submitted surface water management scheme.

INTERNAL CONSULTEE RESPONSES:

45. *Landscape* – Offer no objection, but note that the back gardens abutting the existing tree belts could potentially result in the misuse of areas immediately within the woodland. Advice is also provide with regards to hedgerow and tree planting details.
46. *Landscape (Arboriculture)* – No objections are raised, although it is suggested that the formal protection of some of the trees within the site be considered to prevent

post-development pressure. It is also suggested that a management plan be secured for the existing woodland belts.

47. *Design and Conservation* – No objections are raised, however in comparing the proposed overall layout with the approved master plan there appears to be a number of negative changes such as a reduction in the volume of public open space, loss of parts of the tree belts, less stand-off between properties and landscape features, some car dominated areas, and a reduction in the number of corner turners.
48. *Ecology* – Offer no objections, although an additional contribution to the woodland mitigation scheme for Cobbler's Hall Plantation should be secured.
49. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised.
50. *Environment, Health and Consumer Protection (Pollution Control)* – Offer no objections, and advise that a noise survey is carried out prior to development commencing in order to determine whether any traffic noise mitigation is required. Conditions are suggested in relation to construction management.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Spatial Policy* – No objections are raised. The principle of development on the site is well established. The site is in a medium viability area, so 15% affordable housing should be secured.
53. *Housing* – No objections are raised. Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable rent and affordable home ownership.
54. *School Places Manager* – No objections are raised, as there is sufficient existing capacity for both primary and secondary school pupils.

PUBLIC RESPONSES:

55. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 1 letter of objection has been received, which identifies the disruption caused by construction, the loss of green belt land, and additional noise and traffic as a result of the development as matters of concern.
56. Great Aycliffe Town Council have advised that they have no comment to make.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PADGJOGDLOB00>

APPLICANTS STATEMENT:

57. This statement is submitted in support of a hybrid application seeking consent for removal of reserved matters in relation to 240 homes and a full planning application for an additional 16 homes made on behalf of Keepmoat Homes. Keepmoat Homes have been awarded the site by Homes England following a successful competitive bid evaluated upon cost, quality and capability to deliver. The site is an allocated housing site with the benefit of an outline planning approval (DM/16/00985/OUT) for 240 homes.

58. The site is owned by Homes England and its development requires that the scheme is targeted towards local housing needs. The masterplan should include a mix of medium density quality homes designed to support first-time buyers and family living. Keepmoat Homes' proposed mix targets this purchaser profile. A range of 2, 3, and 4 bedroom family homes are proposed in a range of detached, semi-detached and short terrace formats. 256 new homes will be provided in two development phases.
59. The scheme also includes a 10% affordable housing provision which is split on a 60/40 basis between affordable rent and reduced market sale housing. The affordable provision is pepper potted throughout the development and it has the same specification level as the private sale properties to ensure integration.
60. The submission has been developed as a detailed scheme over the last months using the outline approved Arup masterplan as the framework and structure for the submitted design. This has required a concentrated and co-ordinated effort from Keepmoat Homes' technical and consultant team to satisfy a range of complex site constraints which include;-
- Creating a safe site access from a new roundabout at the junction of Middridge Road and Greenfield Way which also includes significant extensions to pedestrian footpaths and the creation of safe crossing points.
 - Detailed protected species ecology surveys to establish an agreed method for construction work to proceed whilst ensuring protected species such as Great Crested Newts are safeguarded. The development of a masterplan and detailed landscape scheme which includes ecological features and mitigation which will enhance wildlife habitats on the site.
 - The design of a sustainable urban drainage system to control surface water run from the development through on-site attenuation features such as basins and swales. These are integral to the masterplan providing attractive landscaped features which provide green links between development areas as well as soft landscaping opportunities for diversifying the ecological value of the scheme.
 - Community wide benefits by providing connections to existing recreational routes through the site to existing public rights of way on the Cobblers Hall Plantation and the Byerley Nature Reserve. If planning approval is granted this development will provide a sustainable housing offer which provides a diverse range of housing options for local people right across the age and social spectrums. It provides a housing scheme which has a strong identity and unique character which has evolved from the specific context and site features. As part of the commitment to the purchase of the site from Homes England, Keepmoat Homes intend to start building on the site in late 2018 with an intended delivery programme of approximately 45 homes constructed per year.

PLANNING CONSIDERATIONS AND ASSESSMENT

61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape impact and layout and design, affordable housing,

residential amenity, public open space, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

The NPPF

Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Five Year Housing Land Supply

63. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
64. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old, and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
65. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come

in to force or until the council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.

66. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

67. The SBLP, under Policy H2, seeks to identify suitable sites for housing development, by means of allocations. The application site is identified within Policy H2 as a housing allocation of 8ha, with an estimated yield of 160 dwellings, and is identified as "Eldon Whins". It is clear that the policy is, in NPPF Paragraph 11 terms, one of the most important policies for determining the application.
68. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policies reduced as a result. Paragraph 213 of the NPPF states that out-of-date policies should not be considered irrelevant in the determination of a planning application, with the amount of weight attributed to each policy in the decision making process being in accordance with their level of consistency with the NPPF.
69. Policy H2 is considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. Accordingly, it is considered that while out-of-date, moderate weight can be afforded to this Policy, and also, Paragraph 11 NPPF is engaged.

Conclusion on the Principle of the Development

70. The proposed development can draw support from SBLP Policy H2, which allocates the site for housing, and whilst the age of the evidence base upon which this policy is reliant renders the policy out of date, its relative consistency with the NPPF means that some weight can still be afforded to it. However, as relevant policies for the supply of housing within the SBLP are out-of-date, in accordance with Paragraph 11 of the NPPF, planning permission should be granted unless policies in that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Locational Sustainability of the Site

71. The County Durham Settlement Study 2018 is an evidence based document which rates Middridge as having a settlement score of 6.5, and Newton Aycliffe as scoring 392.5. Whilst the site is situated in Middridge Parish, it is better related to Newton Aycliffe in terms of access to services, and given the relative lack of services within Middridge Village itself, as evidence by its relatively low settlement score, it would

appear that future occupants of the development would look eastwards towards Newton Aycliffe to meet their living needs.

72. Newton Aycliffe, is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge of Newton Aycliffe is consistent with the role the settlement plays within the County Durham hierarchy and would represent a sustainable, accessible location, and furthermore is reflective of the overall assessment of the site being suitable for residential development through its allocation within the SBLP.
73. From the application site, Byerley Park Primary School is located a distance of approximately 700m away, Horndale Infant School 1.1km away, Walworth School 1.2km away, St Francis CofE Primary School around 1.2km away, St Joseph's RCVA Primary School 1.4km away, and Greenfield Community College is around 1.5km away. Cobblers Hall Village Centre containing a Sainsbury's Local, public house, restaurant/takeaways, Jubilee Medical Group, and a petrol station is around 800m away. All of these distances are within the preferred maximum walking distance suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".
74. Bus stops are located to the south of the site on Middridge Road, providing twice hourly links to Greenfield Community College (approx. 5 mins), Newton Aycliffe Railway Station (approx. 7 mins), as well as Newton Aycliffe town centre (approx. 14 mins) which contains larger facilities, including two supermarkets, large retailers, and a leisure centre. The bus service also provides access to other settlements, including Bishop Auckland (approx. 35 mins), and Darlington (approx. 45 mins).
75. The Council's School Places Manager has advised that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect. Jubilee Medical Group at Cobblers Hall Village Centre is currently accepting new patients, indicating that there is existing capacity.
76. Overall, it is considered that the site has access to a large array of services and facilities, adequate to serve the development proposed and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Newton Aycliffe in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land. Contrary to the comments of the member of the public, the site does not constitute Green Belt land.
77. In conclusion, it is considered that the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and Policies D1, D2 and D8 of the SBLP which are considered consistent the NPPF in this respect.

Impact on the character of the surrounding area

78. SBLP Policies E1 and D1 requires that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. SBLP Policy D7 seeks to secure structural planting on the edge of a number of allocated sites, including the application site. This is reflected in Parts 12 and 15 of the NPPF which

promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is therefore considered that full weight can be afforded to SBLP Policies E1, D5 and D7 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, and whether it represents good design.

79. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies in the *Sedgefield, Windlestone and Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type. The site is made up partly of open farmland surrounded by and crossed by woodland and shelter belts. These follow the layout of medieval or early post medieval enclosures with Cobbler's Hall Plantation, which appears on the second edition Ordnance Survey map, bounding the site to the north west and north east. The site does not lie within a locally or nationally designated landscape.
80. In considering this particular issue, regards should be had to the fact that the site already benefits from an extant outline planning permission for residential development, where it was considered that the construction of 240 dwellings would have a residual adverse impact, but one which could be mitigated, and would diminish over time. This development of 16 dwellings would sit within the overall development of these 240 dwellings, making a total of 256 on the site, although there is a possibility, albeit unlikely, that this proposal for 16 dwellings could be implemented by itself. It is important therefore to consider both the cumulative impacts of the overall development of 256 dwellings, as well as the possibility of the 16 dwellings coming forward alone.
81. The site is visible from Middridge Road to the east and south, though from the south it is better screened by the existing roadside hedge, and is largely screened from the west by the existing tree belt. In terms of considering the cumulative impact, it is recognised that the development envelope, that is to say the overall site size, has not changed, even with the introduction of 16 additional dwellings. When outline planning permission was granted for 240 dwellings, the impacts of a quantum of development on this site was fully considered and weighed in the planning balance. It is considered that the addition of 16 dwellings within this development envelope would not present any significant additional landscape and visual impact issues that were not previously considered. The detailed cumulative layout respects the indicative masterplan submitted with the outline planning permission, and existing landscape features are retained.
82. In terms of the impact of the 16 dwellings were to be constructed in isolation, they would, it is considered, present a somewhat incongruous feature, comprising 16 dwellings in a large field. However, the limited size of the development and its location at the southern end of the site where best advantage could be taken of existing landscape features would mitigate such impacts to an acceptable extent.
83. The site would have little, if any visual relationship with Middridge village itself, and therefore, it follows that the impact of the development upon the character of the village would be minimal, given the scale of development proposed, in itself, and certainly to a lesser extent than if the entire development of 256 dwellings was constructed.
84. It is noted that the site is not located within any designated landscape, and any visual impact would be confined to the site's locality. The indicated landscape mitigation would be effective in reducing the visual impact of the development. The indicated

mitigation planting along the eastern edge of the site would however need to be implemented at the appropriate stage to ensure screening at different stages of this development. It is recommended that this is secured by condition, however subject to this, the proposal would be considered to be in accordance with SBLP Policy D7, which seeks to secure structural planting on a number of allocated sites. The indicative site layout sets out that the majority of existing mature trees, within the shelter belts, could be retained in the development in accordance with SBLP Policy E15. It would nonetheless be appropriate to impose a condition seeking the protection of retained trees during construction. The comments of the Council's Arboriculturalist with regards to the potential for four existing trees to be subject to post-development pressure and their suitability for Tree Protection Orders is noted, however, the imposition of such orders is a process separate to the consideration of this particular planning application, and that these particular trees are not within or adjacent to the application site. The more general concerns of Landscape Officers with regards to the relationship of some of the dwellings with the existing woodland belts are noted, and this minor harm should be weighed in the overall planning balance.

85. Overall, the proposals would entail an incursion of built development into attractive open countryside, and there would be some harmful effects on the character of the local landscape, however, these would be localised, limited and could be mitigated in time to varying degrees by proposed structure planting. It is considered in terms of landscape impact, the development would not wholly comply with SBLP Policy D1, in that there would be residual landscape harm. However, the landscape is not considered to constitute a "valued landscape" for the purposes of Part 15 of the NPPF, and the NPPF does not seek to otherwise restrict development upon sites that may have an adverse impact upon local landscapes, other than through the Paragraph 11 planning balance assessment.
86. Having regards to this assessment, it should therefore be acknowledged there would be a residual adverse impact as a result of the development, albeit one that can be mitigate to the extent that it will diminish over time, and as outlined above, such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Layout and Design

87. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. However, the NPPF is silent on art, and as such, Policy D9 is considered to not be consistent with the NPPF and therefore limited weight should be afforded to the policy. In this case, it is considered that public art provision is not necessary to make the development acceptable.
88. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D5, D9 and E15 in this respect.

89. The proposed layout, in itself is considered to be acceptable, despite clearly, being designed to be compatible with the detailed layout relating to the 240 dwellings. This has resulted in a site access which is a little convoluted, but as noted elsewhere in this report, it is considered that the likelihood of these 16 dwellings being delivered without the rest of the wider development is relatively low, and as a result, on balance the layout is considered to be acceptable in this context.
90. Overall, subject to the securing and detailing of the proposed landscaping of the site the development would have an acceptable impact on the character and appearance the surrounding area, while the indicated layout providing for an acceptable and cohesive development. The development is therefore considered to comply with SBLP Policies D1, D2, D5 and D9, as well as Part 12 of the NPPF subject to the attached conditions in relation the implementation of landscaping.

Affordable Housing

91. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst SBLP Policy H19 encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should be afforded significant weight with regards to this issue.
92. The Council's evidence base for the area suggests that a proportion of affordable housing amounting to 15% would be required on this site, amounting to 2 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 80% affordable rent and 20% affordable home ownership.
93. The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and, therefore, the proposal is considered to be acceptable in this regard.

Residential Amenity

94. SBLP Policies D1 and D5 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant with Paragraph 127 stating that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
95. The submitted site layout for the housing element of the proposal indicates that generally separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings would be achieved as advocated in the Local Plan. There is a single instance where only approximately 20m would be achieved, however, this is still considered to be an acceptable relationship between proposed dwellings, given that windows would be largely offset. Overall, appropriate separation distances are provided between existing and proposed dwellings such that there would be no significant adverse effects in terms of loss of light or dominance, the closest existing dwellings being located to the south of the site, beyond Middridge Road.

96. Environment, Health and Consumer Protection officers advise that there is the potential for road noise to future occupiers of the development. However, it is considered unlikely that this would amount to statutory nuisance, or lead to unacceptable levels of residential amenity, if properly addressed with design mitigation, the need for which can be established through the submission of a noise assessment, which can, in this instance, be secured by means of planning condition.
97. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of the planning system that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties, some form of control is necessary. As a result, a planning condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties is suggested.
98. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured and further required in subsequent applications. The development is therefore considered compliant with SBLP Policies D1 and D5 in this respect and Parts 8 and 15 of the NPPF.

Public Open Space

99. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
100. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
101. The OSNA sets out that a total of approximately 0.14ha of public open space be provided on site, although it is acknowledged that this is not always achievable on sites of 19 dwelling or less. Some open space has been accommodated within the development and, ultimately, the residents would have access to open space provided as part of the wider development.
102. However, it is considered necessary to secure financial contributions to improve existing, or provide new facilities within the local area instead, where they are not being provided on site, and these can be secured through a planning obligation secured through Section 106 of the Town and County Planning Act 1990. In this instance it is expected that a contribution of £8,712 towards the improvement of recreation facilities within Aycliffe North and Middridge Electoral Division would enable residents of the new development to have adequate access to such facilities.
103. Overall, therefore, the application is considered to be in accordance with SBLP Policy L2 and Paragraph 96 of the NPPF with regards to the provision of public open space.

Access and highway safety issues

104. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in

terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraphs 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.

105. The application is not of such a scale so as to require a Transport Assessment (TA), although it should be noted that the previously permitted outline planning permission for 240 dwellings did assess the impact of that development on the network, and secured appropriate funding towards improving capacity at Rushyford Roundabout as a result. It is considered that the improvements to Rushyford Roundabout already secured would result in sufficient capacity to accommodate the additional 16 dwellings, without severe impact on traffic flows. Therefore, it is considered in this instance that there would be no reasonable grounds for securing additional funding through this application. However, this application also includes the installation of a roundabout at the junction of Middridge Road and Greenfield Way, consistent with that approved as part of DM/16/00985/OUT.
106. With regards to pedestrian movement, it has been identified that links to Newton Aycliffe could be improved, with no pedestrian footway from the site being available, and no obvious means of crossing Greenfield Way being available. It was considered that this resulted in poor permeability, which impacted upon the locational sustainability of the proposed development, as well as presenting a highway safety concern.
107. As part of application DM/16/00985/OUT the applicant developed a scheme of off-site highway works, comprising the provision of 2m wide pedestrian footway on the western side of Greenfield Way running from the site southwards to meet the existing pedestrian subway 350m to the south, and northwards towards Burn Lane. It is considered that these measures adequately address the highway safety concerns, and would enable convenient pedestrian access towards Newton Aycliffe. The implementation of this footway can be secured by means of a planning condition.
108. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary mitigation, and therefore in accordance with SBLP Policy D3 and Part 9 of the NPPF.

Ecology

109. The closest site of nature conservation interest is Byerley Park Local Wildlife Site which is located immediately to south of the application site. SBLP Policy E11 and Part 15 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests. An ecology survey was submitted with application DM/16/00985/OUT, highlighting that a small population of Great Crested Newts is present at Byerley Park LWS, that bats are using the site for foraging and commuting, and that although no evidence has been found, that badger may occasionally use the site for foraging. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992 have been recorded within the site.

110. Having regard to this information which establishes the likely impacts the development of the site will have upon ecological interests, this application is accompanied by a Biodiversity Management Plan for the wider site, including the part of the site subject to this application, which proposes mitigation in the form of exclusion fencing and newt removal from the site prior to development commencing, the carrying out of works at times of year where disturbance will be minimised, and providing GCN habitat within the development. Furthermore, it is proposed to enhance the existing pond within Cobbler's Hall Plantation as an amphibian habitat, and provide hibernacula within the woodland belts.
111. Ecology officers have reviewed the submitted information and have raised no objections. The improvements to the existing pond in Cobbler's Hall Plantation, and also improved management of public access to this area in the form of creating a formal footpath, would assist in improving biodiversity in the immediate vicinity of the site, and can be secured by means of a planning obligation. The Plantation is currently in the ownership of Great Aycliffe Town Council (GATC), who would need to be a signatory to the legal agreement, however discussions between the applicant and GATC suggest that agreement can be reached. It is also proposed to provide a financial contribution of £1,800 towards the creation and maintenance of native meadows at Middridge Meadows, which is Durham County Council owned land located to the south west of Middridge village, in order to provide net biodiversity gain which is considered necessary to make the development acceptable. This is in addition to the £15,000 contribution already secured through planning permission DM/16/00985/OUT.
112. Due to the proximity of a GCN population to the application site, a Natural England licence may be required, in order for development to proceed, and the applicant is currently in the process of securing this from Natural England. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
113. Of these tests, it is considered that there would not be a satisfactory alternative to removing any newts that are present on the site when development would be likely to commence. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed mitigation measures would secure this.
114. With regard to the public interest test, this can only be concluded upon once the planning balance test, as set in NPPF Paragraph 11 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
115. Therefore, subject to a condition relating to a lighting strategy, adherence to the Biodiversity Management Plan, and an informative in relation to the timings of vegetation clearance, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2017 and the proposal would comply with NPPF Paragraph 175.

116. Given that biodiversity impacts can be adequately mitigated, both on and off site, along with the planting proposed, the development is considered to conform to SBLP Policy E11, and Part 15 of the NPPF in this respect subject to the conditions outlined above. Natural England offers no comments on the scheme.

Flooding and drainage

117. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
118. The application is accompanied by a drainage strategy report proposes the surface water flows are directed to a Sustainable Urban Drainage (SUDs) system at the south western part of the site. This, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged into Northumbrian Water's drainage network, who offers no objections to the application advising that surface water flows can be accepted from the proposed development.. Drainage and Coastal Protection officers offer no objections to this proposal.
119. A condition to resolve the final surface and foul water disposal proposals are recommended and no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Other Issues

120. Environment, Health and Consumer Protection officers (Contaminated Land) have noted that the development would result in "a more sensitive end user" but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case. The site falls within the defined Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety.
121. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. Although this matter must be viewed as voluntary, the Applicant is agreeable to it being addressed through the proposed planning obligation.

Planning Obligations

122. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to biodiversity and

off-site open space provision, are considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

123. This proposal is considered to accord with the development plan in principle, through the proposed development of an allocated site. However, as a result of SBLP policies most important for determining the application being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

124. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
125. This boost to housing supply would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990. Furthermore, as the development is being delivered in association with Homes England, there is some certainty that the proposal will be able to deliver new dwellings within the short term.
126. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
127. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.

Adverse Impacts

128. The development would result in the loss of around 0.8ha of agricultural land, however, the site comprises Grade 3b agricultural land, and is not therefore “best and most versatile”. It should also be noted that the remainder of this area of agricultural benefits from outline planning permission for residential development, so the likelihood that this site would remain in agricultural use in the immediate future is reduced. Accordingly, the weight afforded to this adverse impact is reduced.
129. There would be a limited adverse landscape impact, with the character of the site being transformed. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping scheme, although a residual adverse impact would remain.

CONCLUSION

130. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11 of the NPPF.
131. The residential development would be in accordance with SBLP Policy H2, and in this case, the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of the most relevant policies, that the presumption in favour of sustainable development is engaged. Therefore, residential development is required to be considered in the context Paragraph 11, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
132. The provision of affordable housing in an area where the supply of housing is lacking is a benefit of the scheme along with the provision of 15% affordable properties. This would contribute to the economic and social aspects of sustainability.
133. Whilst there would be some visual impact, particularly in the early years of development, this is considered to be localised and minimised as a result of the mitigation proposed, although some residual harm would remain. Subject to mitigation, the development would have an acceptable impact on the wider highway network and provide a safe means of access, while the site is considered to be located in sustainable location in this respect. The scheme would not significantly impact on the residential amenity of surrounding properties, and the development would not give rise to flood risk elsewhere, and it has also been demonstrated that ecological impacts can be adequately mitigated.
134. Having regards to the above, it is considered that the proposed development will be in accordance with the SBLP, and furthermore, any adverse impacts that would result from this development would not “significantly or demonstrably” outweigh the benefits. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
135. The proposal has generated some public interest, with a single letter of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme’s wider social, economic and community benefits.
136. With respect to the Natural England licence derogation tests, it can be concluded that as the development is considered to be sustainable, and that there are not adverse impacts that significantly and demonstrably outweigh the benefits, that it would be in the overriding public interest for Natural England to grant a licence, and this element of the derogation tests is met. Consequently, it is considered likely that a Natural England licence would be granted.

RECOMMENDATION

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

- provision of 15% affordable housing units on site.
- £8,712 towards the provision of improvements of outdoor sport space within Aycliffe North and Midldridge Electoral Division,
- £1,800 towards biodiversity improvement projects within Aycliffe North and Midldridge Electoral Division

And the following conditions:

Time Full

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Plans

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

Proposed Site Layout BHA-00-XX-A-1008 Rev 12
Proposed Street Elevations BHA-00-XX-A-3002 Rev 4
Proposed Management Company Transfer Plan BHA-00-XX-A-1017 Rev 14
Proposed External Finishes BHA-00-XX-A-4003 Rev 6
Proposed s38 Highways Adoption Plan BHA-00-XX-A-1027 Rev 4
Proposed Boundary Finishes BHA-00-XX-A-4002 Rev 2
Proposed External Finishes BHA-00-XX-A-1027 Rev 5
Affordable Housing Plans 2014 (651) BHA-00-XX-A-6001 Rev 1
Affordable Housing Plans 2014 (764) BHA-00-XX-A-6002 Rev 1
Housing Plans 2014 (851) BHA-00-XX-A-6003 Rev 1
Housing Plans 2014 (867) BHA-00-XX-A-6004 Rev 1
Housing Plans 2014 (955) BHA-00-XX-A-6005 Rev 1
Housing Plans 2014 (1054) BHA-00-XX-A-6006 Rev 1
Housing Plans 2014 (1178) BHA-00-XX-A-6007 Rev 1
Affordable Housing Plans 2014 (1178) BHA-00-XX-A-6008 Rev 1
Affordable Housing Plans 2014 (740) BHA-00-XX-A-6009 Rev 1
Proposed Roundabout Junction A075568 C007
5413 E2 Newt Receptor Site Map
5413 E3.3 Newt Connectivity Map
5413 E4a Newt Capture and Exclusion Map
5413 E5.1 Newt Habitat Creation/Enhancement
5413 E5.1 Newt Habitat Management and Maintenance
Play Area Details 18653/TYN/DUR
Adventure Trail Details Area 1 18653/TYN/DUR
Landscape Strategy Plan 1074_100 Rev B
Landscape Strategy Detailed Area 1074_101 Rev B
Soft Landscape Drawing Detailed Area 1074_120 Rev B
Arboricultural Assessment Tree Protection Plan AIA-TPP
Arboricultural Assessment Retained Trees Plan AMS-TPP
Eldon Whins Landscape Management and Maintenance Plan March 2018
Eldon Whins Strategy for Long Terms Management and Maintenance of SUDS & POS
Keepmoat Homes, Eldon Whins Biodiversity Management Plan March 2018
Keepmoat Homes, Eldon Whins Construction Management Plan Rev A
Drainage Strategy Report 4841/DS2, ID Civils Design June 2018
Keepmoat Homes, Eldon Whins, Noise Assessment Report, Wardell Armstrong Feb 2018

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies E1, E11, E15, H19, T1, L1, L2, L9, D1, D2, D3, D5, D8 and D9 of the Sedgfield Borough Local Plan.

Engineering details of access and highway improvements

3. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan "A075568-2 CD01 Rev C" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented prior to the occupation of the 5th dwelling.

Reason: In the interests of highway safety in accordance with Policy D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Maintenance of highway

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

Reason: In the interests of highway safety in accordance with Policies D3 and D5 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Tree Protection

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

Reason: In the interests of the visual amenity of the area having regards to Policy E15 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape implementation and management

6. Within the first available planting season following the occupation of the final dwelling hereby approved, the proposed landscaping scheme shall be implemented and be available for use

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years of their initial planting.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 and D9 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Open Space Maintenance

7. The proposed open space and habitat management shall be maintained in perpetuity in accordance with the details contained within the following documents:
- E5.1 Habitat Management and Maintenance, Eldon Whins, 5413
 - Keepmoat Homes, Eldon Whins, Newton Aycliffe, Biodiversity Management Plan, March 2018
 - Strategy for Long Term Management and Maintenance of SUDS of Public Open Space
 - Proposed Management Company Transfer Plan BHA-00-XX-A-1017
 - Eldon Whins Landscape Management and Maintenance Plan

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 and D9 of the Sedgfield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Play Area

8. Prior to the occupation of the 15th dwelling hereby approved, the proposed play space shall be fully implemented, available for use, and maintained in accordance with the details hereby approved.

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policies D1 and D5 of the Sedgfield Borough Local Plan and Paragraph 73 of the National Planning Policy Framework.

Site Levels

9. No development above damp-proof course level of the first dwelling hereby approved shall take place until sections setting out existing and proposed site levels and the finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policies E1, D1 and D5 of the Sedgfield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Travel Plan

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Foul and surface water

11. The development hereby approved shall only be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy Report" dated "June 2018". The drainage scheme shall ensure that foul flows discharge to the

foul sewer between manholes 4902 and 4906, and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with Part 14 of the National Planning Policy Framework.

Ecology Mitigation

12. The development shall only be carried out in accordance with the Biodiversity Management Plan “Keepmoat Homes, Eldon Whins, Newton Aycliffe”, Biodiversity Management Plan March 2018”, and the timetable for delivery contained therein.

Reason: To conserve protected species and their habitat in accordance with Policy E11 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework

Lighting Strategy

13. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development.

Reason: To conserve protected species and their habitat in accordance with Policy E11 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework.

Working Hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

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

Noise Mitigation

15. No dwelling hereby approved shall be occupied until acoustic attenuation in order to achieve the following noise levels is installed where identified as being necessary within the report “Keepmoat Homes, Eldon Whins, Newton Aycliffe, Noise Assessment Report, February 2018”:

55dB LAeq 16hr in outdoor living areas

40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)

30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700) and 45 dB LAmax in bedrooms during the night-time

The approved attenuation shall thereafter be permanently retained in perpetuity.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Construction Methodology

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Land contamination

17. Prior to the occupation of any dwelling, a full scheme for the mitigation of land contamination shall be submitted to the Local Planning Authority, and should include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, and b are not required.

All documents submitted relating to Phase 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

- (a) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.
- (b) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development and prior to occupancy of the properties.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15. Required to be pre-commencement in order to ensure that this is no risk of contamination during groundworks.

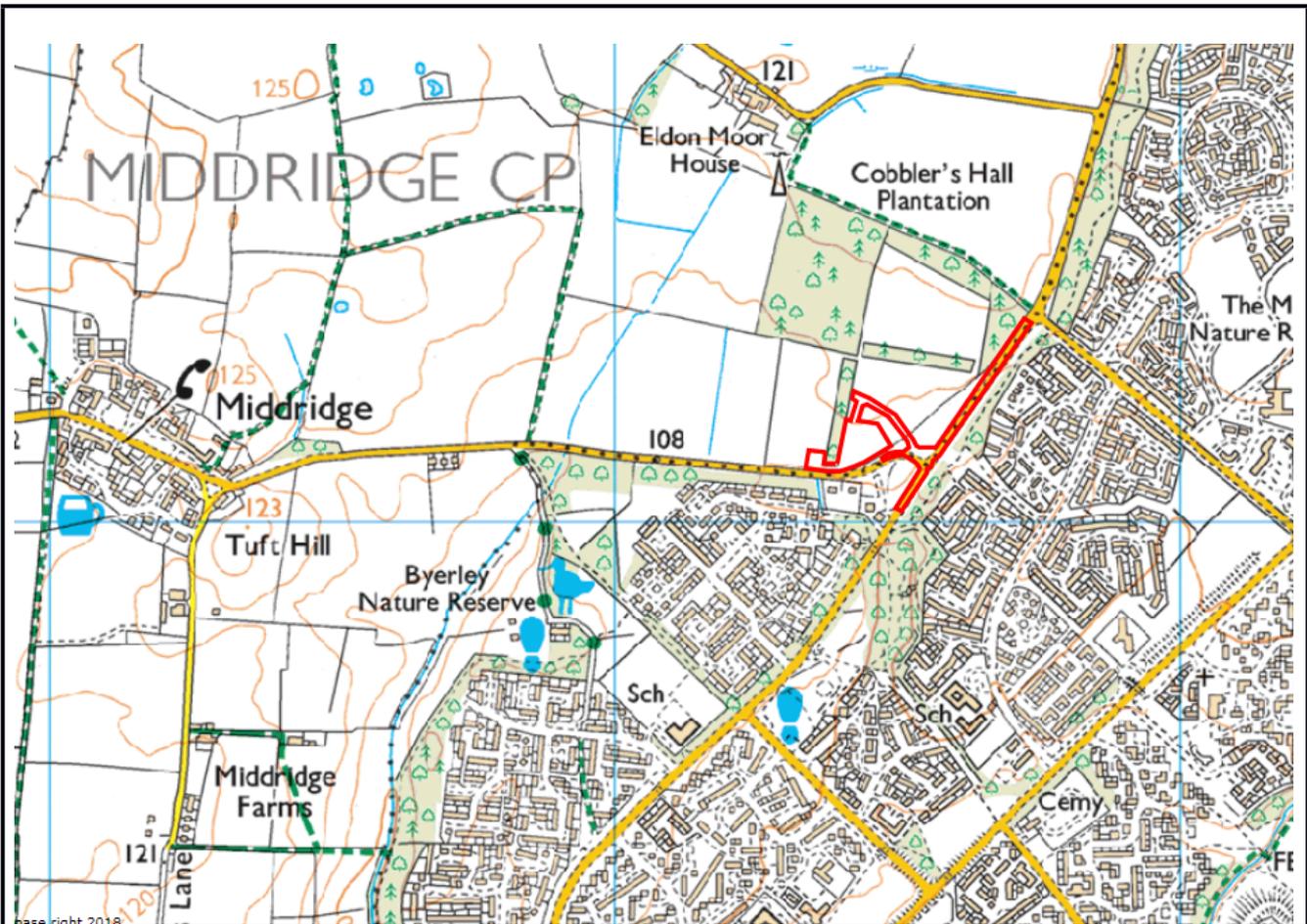
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive

manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Sedgefield Borough Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

(DM/18/01812/FPA)
 16 additional dwellings linked to
 DM/16/00985/OUT, Land to the North of Middridge
 Road, Newton Aycliffe

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Comments

Date October 2018

Scale Not to Scale

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