



Area Planning Committee (South and West)

Date Thursday 14 May 2015
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 March 2015 (Pages 1 - 6)
5. Applications to be determined
 - a) DM/14/02318/OUT - Land South of Beacon Avenue, Sedgfield
(Pages 7 - 24)
Outline application for residential development all matters reserved, indicative 34 dwellings
 - b) DM/14/01831/FPA - Land North of Travellers Green, Newton Aycliffe (Pages 25 - 44)
Erection of 79no. dwellings including associated infrastructure works
 - c) DM/15/00597/FPA - Former Willington Health Centre, Chapel Street, Willington (Pages 45 - 56)
Erection of 12no. terraced dwellings
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
6 May 2015

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chairman)
Councillor H Nicholson (Vice-Chairman)

Councillors D Bell, D Boyes, J Clare, K Davidson, E Huntington,
S Morrison, A Patterson, G Richardson, L Taylor, R Todd, C Wilson
and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 19 March 2015 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors J Alvey, D Bell, J Clare, K Davidson, J Gray, S Morrison, A Patterson, G Richardson, L Taylor, R Todd and C Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors D Boyes, E Huntington, H Nicholson and S Zair.

2 Substitute Members

Councillor J Alvey as substitute for Councillor E Huntington and Councillor J Gray as substitute for Councillor H Nicholson.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 The Minutes of the Meeting held on 19 February 2015

The minutes of the meeting held on 19 February 2015 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

5a DM/15/00361/FPA - Land to the south of Garden House Lane, Cockfield

The Committee considered a report of the Planning Officer regarding an application for the erection of a single detached dwelling and garage on land south of Garden House Lane, Cockfield (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor H Smith, local Member, addressed the Committee. She informed the Committee that Garden House Lane was an old, narrow lane with properties on it which dated back to the 18th century. This was the only site on Garden House Lane which had not been developed. The applicant had withdrawn a previous application, addressed the design comments made on the previous application and resubmitted this application. The applicant had done all possible to ameliorate highways issues on Garden House Lane by moving his field wall to increase the highway width, laying some tarmac over the widened road and would move the telegraph pole towards the boundary wall if planning permission was approved. Local residents were concerned regarding access to the proposed property and poor lines of sight and also feared that the application, if approved, could lead to further development of a greenfield site. The applicant had indicated a willingness to enter into a legal agreement to not further develop the site or sell any part of it for further development should the application be approved, and Councillor Smith asked that this be added as a condition of the planning permission if approved.

M Ferguson, agent for the applicant, addressed the Committee. The applicant had been a resident of Cockfield for all of his life and currently rented a property on Kensington Terrace. The applicant owned the field which was the subject of the application in which he kept horses, which he visited 2 to 3 times a day and therefore the traffic generated by the proposed development would be no greater than that already generated. The applicant had done all he had been asked to overcome as many concerns as possible regarding this application, including moving the field boundary wall to create extra width in the highway, laying tarmac to the highway and would move a telegraph pole to widen the highway if permission was granted. Although the County Council Guide for Residential Development limited the maximum number of dwellings served by a private drive to 5, there was already more than double this number of dwellings served by this section of Garden House Lane. The application site was a greenfield site within the development limits of Cockfield. Paragraph 14 of the NPPF stated that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

K Hebdon, local resident addressed the Committee to object to the application. As a mother of two children who used Garden House Lane she informed the Committee that there could be no certainty there would be no accidents on the Lane as a result of increased vehicle movements should the application be approved. Garden House Lane already served 12 properties, which was well in excess of the County Council Guide which limited the maximum number of dwellings served by a private drive to 5 and Garden House Lane also served as access to allotments and a school playing field. Garden House Lane was not a through road, had no footpath and had inadequate turning arrangements. The area had no gas supply and delivery of fuel was by oil tanker, and any further development on Garden House Lane would result in increased tanker deliveries.

Although the application had received 7 letters of objection, 2 letters of support and 11 pro-forma letters of support, the objection letters contained many reasons why the application should be refused whereas the pro-forma letters did not state any reasons for support.

The benefit from this application did not outweigh that it was a greenfield site in an area of outstanding natural beauty and the application should be refused as recommended in the Committee report.

Councillor Dixon informed the Committee that the application appeared to hinge around highways issues and invited the council's highways officer to comment.

J McGargill, Highway Development Manager informed the Committee that the access road comprised a lit unadopted highway and adopted highway up to Raby Terrace. It was shown as a footpath on the Definitive Map. The Council design standard for a shared drive was a maximum of 5 dwellings or no more than 25 metres in length which related to practical issues, for example refuse collection. Although Garden House Lane was not a private shared drive it was also not an adopted highway and any increase in the number of dwellings would lead to increased use of the road and increased risk of an incident occurring, especially with vehicles needing to reverse along the Lane and emerging onto the Lane. Although it was accepted that the likelihood of an incident occurring was low, risk did increase with each additional dwelling.

C Cuskin, Planning and Development Solicitor referred the Committee to the applicant's proposal to enter into a legal agreement that no further development would take place if permission was granted. She informed the Committee that such an agreement would not meet the required statutory tests and any further development would be subject to a requirement for further planning permission.

Councillor Davidson asked if the application had not been called to the Committee by the local Members whether it would have been refused under delegated powers. The Principal Planning Officer confirmed that this would have been the case.

Councillor Richardson informed the Committee that quite often the suitability of highways was questioned when applications for large scale developments were being considered. However, this was an application for only one dwelling and he was finding difficulty in reconciling the highways reasoning for refusal of the application. When the Committee had carried out a site visit two vehicles had been using the highway and had slowed considerably for Members in the highway and this is what would normally happen on a road such as Garden House Lane.

Councillor Dixon reminded the Committee that the Council's Highways Officers worked to legal and national standards and had provided strategic reasons for refusal of the application.

Councillor Clare informed the Committee he found this a very difficult application to determine. The applicant had done all in his power to meet planning requirements and mitigate highways issues, and were it not for the objection on highways grounds then the application would be recommended for approval. He was not convinced by the increased highways risk argument, adding that an additional dwelling would not lead to a dangerous level of vehicular movement on the road. While the road was narrow, he felt that drivers would adopt a common sense approach and proceed slowly along it. Had the field, the subject of the application, been some 4 to 5 metres to the east of its current location there would be no

highways issues because access would have been onto the adopted highway. However, there was also an argument that rules and policies were in place to be adhered to otherwise there was no reason for having them. Rather than being a private shared driveway the road was more of a country road and would be used as such. He informed the Committee that he was inclined to grant approval of the application.

Councillor Patterson informed the Committee that while she appreciated the highways concerns regarding access the application would not involve creating an access which was not already there to gain access to the field. The applicant could currently visit the field as often as he wished without any restriction and Councillor Patterson could not support refusal of the application on highways grounds.

The Highway Development Manager replied that the level and type of use of the access would change to service a new development and this was considered to be over and above the current usage level.

Councillor Davidson informed the Committee that he considered the highways objection to the application to be a reasonable one and added that Garden House Lane had several tight pinch points along its length.

Councillor Wilson informed the Committee that she was erring on the side of approval of the application on the grounds put forward by Councillor Patterson.

Councillor Davidson **moved** refusal of the application, **seconded** by Councillor Gray. Upon a vote being taken the proposal to refuse was carried on the Chairman's casting vote.

Resolved:

That the application be refused for the reasons outlined in the report.

5b DM/14/02418/FPA - Thorpe Lido, Whorlton

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of ten holiday lodges at Thorpe Lido, Whorlton (for copy see file of Minutes).

C Cuskin, Planning and Development Solicitor informed the Committee that the application site was not in a Conservation Area, therefore s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not strictly apply. However, the impact the development would have upon the Conservation Area was a material planning consideration.

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Mr Lavender, agent for the applicant, was in attendance and agreed to a request from Councillor Dixon to be available to answer questions on the application that Committee Members may ask.

Councillor Davidson, in **moving** approval of the application, informed the Committee that he had viewed the site and was satisfied with the application. **Seconded** by Councillor Clare.

Councillor Morrison referred to the risk of the holiday lodges being used as permanent residences and asked how this could be prevented. The Senior Planning Officer replied that Condition 10 of the proposed planning permission required the owner or operator of the site to maintain a register of occupancy which the local planning authority could request to inspect at any time, adding that the planning authority had enforcement powers should any of the planning conditions be breached. A Caines, Principal Planning Officer confirmed the condition was a standard condition taken from best practice guidance.

Resolved:

That the application be approved, subject to the conditions set out in the report.

5c DM/14/03438/FPA - Land adjacent to Park Road, Witton Park

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 32 dwellings, retail unit and associated infrastructure on land adjacent to Park Road, Witton Park (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Lavender, agent for the applicant, addressed the Committee. Outline planning permission was originally granted on the site in January 2013 for 31 dwellings and a retail unit. This permission remained in existence and would normally be followed by a Reserved Matters application for the details of the development. However in the case of this site, the indicative plan which supported the outline proposal did not accurately reflect the topography and constraints of the site, whilst the access point was not in the optimum position, and thus a new detailed planning application had been prepared for the development of 31 dwellings in a variety of house types, together with the retail unit with its integral living accommodation. The resulting detailed scheme was considered to be a significantly improved proposal to that indicated in the original outline scheme, and it would deliver a higher standard of housing development in Witton Park to reinforce the village's improving image as a desirable place to live.

Moved by Councillor Clare, **Seconded** by Councillor Davidson and

Resolved:

That the application be approved subject to the conditions set out in the report.

5d DM/14/03523/OUT - Land to the west of St Paul's Garden, Witton Park

The Committee considered a report of the Senior Planning Officer regarding an outline application, including means of access, for residential development on land to the west of St Pauls Garden, Witton Park (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Lavender, agent for the applicant, addressed the Committee. He informed the Committee that planning provided the opportunity to create opportunities and that this application offered opportunity for positive change within Witton Park and its structure. The previous application on the agenda which had been approved included a retail unit but provided facilities around a skeletal village form. This application would unite the village and would create the core of the village around the village green. Although there was no current County Durham Plan to work to, Witton Park had suffered from the last County Durham Plan under its Category D policy. Wear Valley Local Plan, which was prepared over 20 years ago and before the designation of village green in the village, showed the development of 50 houses for Witton Park. Mr Lavender questioned the need to cling on to outdated policies. Although reference had been made to the site not being in a sustainable location, Mr Lavender argued that sustainability needed to be created, it didn't just happen and that not building would lead to stagnation. Witton Park was ambitious for its future and this development would be a progressive approach for the future of the village.

Councillor Dixon informed the Committee that permission had been granted for some development within the village under the item previously considered and suggested that if that development was successful then this application could then be submitted.

Councillor Davidson informed the Committee that he was aware of the position of both this and the previous site in Witton Park, concurred with the comments of Councillor Dixon and **moved** refusal of the application. **Seconded** by Councillor Clare.

Councillor Richardson informed the Committee that this was still a greenfield site and he felt it was not appropriate to bring it forward for development at the current time.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons set out in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02318/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development all matters reserved, indicative 34 dwellings
NAME OF APPLICANT:	North Yorkshire & South Durham Properties
ADDRESS:	Land South of Beacon Avenue, Sedgefield, County Durham
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an undeveloped parcel of agricultural land measuring 1.45ha in area, located on the south eastern edge of Sedgefield. The site is triangular in shape and a level change is evident, with the gradient rising from the southern boundary with Stockton Road to the northern boundary of the site which borders Beacon Lane. Agricultural fields are located to the west of the site while residential properties are located to the east leading up to the edge of the Sedgefield Conservation Area, the boundary of which is located approx. 60m away. The site is enclosed by mature trees and vegetation of varying densities on all three sides, although views through to surrounding land to the east are achievable.
2. Outline planning permission is sought for the erection of up to 34 dwellings, with all matters reserved for future consideration, this has been amended from the 42 originally proposed. The scheme indicates that the dwellings would be a mix of semi-detached and detached houses arranged around a series of cul-de-sacs with areas of open space created. An upgraded vehicle access would be provided from an existing field access on Beacon Avenue and would involve the removal of a section of existing hedgerow to improve site visibility. The indicative layout shows that the vegetation to the southern boundary with Stockton Road would be reinforced. The applicant has confirmed a commitment to provide 10% affordable housing across the site.

3. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

4. There is no planning history directly associated with this site, the Council does however have a number of planning application for housing within the area pending decision.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy 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.

12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

LOCAL PLAN POLICY:

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.
17. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
18. *Saved Policy E4 – Green Wedges* - Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.

19. *Saved 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.
20. *Saved 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.
21. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
22. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
23. *Saved 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.
24. *Saved Policy L1 - Provision of sufficient open space to meet the needs of 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.
25. *Saved 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 equating to 60sqm per dwelling.
26. *Saved 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.
27. *Saved 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.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *Saved 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.
30. *Saved Policy D8 – Planning for Community Benefit* - 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

EMERGING PLAN:

31. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Durham City Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
32. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
33. A neighbourhood plan is in the process of being produced by the community setting out the preferences for how existing land and infrastructure should be used to enable controlled growth and development of housing, amenities and other facilities in the future. However this plan is at the early stages of its preparation with relatively limited consultation and therefore it can be afforded only very limited weight.
34. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* – Advise that although the development falls below the threshold requiring a formal Transport Statement, the submitted statement has been reviewed and is deemed to be acceptable in assessing the impact of the development. The proposed access, although indicative at this stage, along with the existing Beacon Lane/C38 junction is considered appropriate to serve the development. Subject to minor amendments to be secured in any reserved matter application, no objections are raised on highway safety grounds and it is advised that the surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development.
36. *Environment Agency* - Offers no objection, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows.
37. *Northumbrian Water Limited* – It is identified that Sedgefield Sewage Treatment Works are nearing capacity with an approximate 300 dwelling headroom. It is therefore advised that decision making should be co-ordinated so that the capacity is not exceeded.
38. *Sedgefield Town Council* - Raise objections to the scheme advising that any development of the site would fundamentally change the historic entrance into the village altering its character and distinctiveness. It is considered that the mediaeval rig and furrow that would be lost is a key part of the history and heritage of the town, while the development of a greenfield site and potential impact on trees and vegetation would also affect the character of the area. It is advised that the development of this site would be contrary to the emerging Sedgefield Neighbourhood Plan while insufficient infrastructure in terms of education and health facilities and sewerage capacity exist for a significant expansion of the village. . Concerns are also raised regarding the potential impact on the ecology interest of the site while localised flooding issues are highlighted.

INTERNAL CONSULTEE RESPONSES:

39. Spatial Policy Section - Advise that the NPPF states that local planning authorities should approve applications that accord with the framework, unless there are material issues that suggest otherwise. The Framework promotes sustainable development which is encapsulated through the key economic, environmental and social measures of sustainability. The scheme is not required in order to meet housing demand in the short term and is considered to conflict with policies of the Local Plan due to the impact on the surrounding landscape and heritage setting. It is not considered sustainable development when assessed against all parts of the NPPF and therefore should be refused. Limited weight should be afforded to emerging County Durham Plan policies in this instance given the level of objections and the interim findings of the planning inspector.
40. *Design and Historic Environment Section* – Consider that the proposal would be harmful to the setting of the Sedgefield Conservation Area and would result in loss of existing green space on the periphery of the village which forms an important backdrop in views in and out of the Conservation Area along Beacon Lane and Stockton Road. The open green setting of the conservation area is important to its

significance, however the significance of the conservation area is principally derived from the character of its historic core, centred around the village green and surrounding areas. In light of the additional information and amended plans, the proposal is considered to represent less than substantial harm to the significance of the heritage asset.

41. *Landscape Section* – Advise that the site is visible from both within the settlement boundary and Conservation Area, as well as from the adjacent open countryside to the east and south. The site itself is highly permeable with partial hedgerows allowing good views into the field from all three boundaries (from the C38 Stockton Road, the unclassified 44.8 Beacon Lane, and closed road forming a footpath, and described as the unclassified Stockton Road North). The views of this site, and through this site, are important as they enhance the setting of the Conservation Area, the value of the Green Wedge and the distinctiveness of the local landscape character. This development would result in the loss of views of the open countryside from the Conservation Area (the field itself forming part of the open countryside), as well as views towards the entrance to Sedgefield Conservation Area, particularly when driving or walking along the C38 Stockton Road.
42. *Sustainability Officer* – Advises the application site has been subject to Sustainability Appraisal as part of the SHLAA process, and is not proposed to be not allocated within the CDP. From a sustainability perspective the site was determined to have good social determinates, poor economic determinates and average environmental determinates culminating in a lower sustainability score. The significant adverse issues of loss of rig and furrow, impact upon Sedgefield Conservation Area and landscape impact adversely upon the sustainability credentials of the site. For this reason it is considered that development would not meet the presumption in favour of sustainable development. No information has been provided in terms of the energy performance of the dwellings, should planning permission be granted a condition requiring a scheme to embed sustainability and minimise carbon from construction should be incorporated in any consent.
43. *Arboricultural Officer* - Advises that a full tree survey would need to be supported in any future reserved matters application to safeguard the impact of the development on perimeter trees.
44. *Archaeology Section* - Following appraisal of the submitted archaeological assessment and geophysical survey, it is advised that it is unlikely that there are any potential heritage assets on the site. It is however identified that the site contains well preserved rig and furrow earthworks which are likely remnants of former medieval and post medieval townfields. Objections are raised regarding the development of this site and the potential impact of the landscape character of the site and its relationship with the conservation area.
45. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
46. *Drainage and Coastal Protection Team* - Advise that a surface water drainage scheme should be developed prior to the commencement of development which utilises soakaways where appropriate, limiting discharge from the development to greenfield run off rates. Mitigation measures to manage surface water flooding along the southern boundary of the site will need to be incorporated into the scheme.

47. *Ecology Section* - Has no objections, subject to the proposed mitigation measures detailed in the submitted ecological survey. It is also recommended that biodiversity enhancement be secured.
48. *Environmental Health Unit* – Offer no objections to the scheme noting that it would be unlikely that adjacent road noise would cause a nuisance for future residents. It is however suggested that conditions be attached to any approval to control working hours on site and the burning of materials to protect the amenity of residents during the construction phase.
49. *School Organisation Manager* – Advise that no contributions are required for addition school places.
50. *Housing Officer* - States that an affordable requirement of 10% would be expected on this site.
51. *NHS Trust* – No response received

PUBLIC RESPONSES:

52. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 83 properties including the Durham Diocesan Board of Finance as a neighbouring land owner have submitted letters of objection in relation to the issues summarised below:-
 - The existing field is attractive and has a positive contribution to the character of the area, particularly on the approach into the village its loss would have and adverse visual impact. The field is also designated as a green wedge and should be protected and other development sites would have a lesser visual impact. Evidence of medieval rig and furrow is present in the field which contributes to its distinctiveness and should be protected
 - The Sedgefield Local Plan does not permit development of this site while any new housing should be limited in scale and provided in a controlled manner. The application should be considered against the backdrop of other housing sites put forward in the village which are currently being considered by the Planning Inspectorate and as proposed under the Neighbourhood Plan. There is no proven demand for the amount of housing proposed within the village. A significant influx of housing in the village will further impact on the already depressed housing market. The SHLAA and other background documents to the County Durham Plan have indicated that housing would not be appropriate in this location.
 - The scheme is considered overdevelopment while concerns are raised on the potential impact on mature trees, the style of the dwellings and their orientation, the nature of the housing and the lack of smaller and affordable units.
 - Concerns are raised over the capacity of the local road network and junction to accommodate the traffic generated by the additional dwellings and the resultant impact on parking pressures which are already strained.
 - Insufficient infrastructure exists to support additional housing development particularly in relation to the capacity of schools, medical services, sports facilities, water supply and drainage.

- There has been a lack of consultation by the applicant about the development.
 - The land has ecological value and concerns are raised regarding the impact on the development on this resource.
 - Concerns are raised regarding the potential loss of privacy and amenity to neighbouring properties. While localised flooding issues are highlighted.
53. Sedgefield Civic Trust - Object to the application and consider the land of great historical importance being a non-designated heritage asset showing an ancient field system. The site borders the Article 4 Conservation Area and is on the entrance to the village, the development of this site would cause a loss of public amenity and ruin the most prominent entrance into the village. The development does not meet policy E18 of the Sedgefield Borough Plan and threatens the village's heritage and the rural aspects of the conservation area. This application should not be seen in isolation with significant number of other applications for housing pending. Concerns are raised regarding the suitability of the access particularly in relation to emergency vehicle access to the remainder of the Beacon Lane Estate. Localised flooding issues are highlighted, while it is advised that there is insufficient sewerage capacity and low water pressure in the area. Further concerns are raised regarding the capacity of existing infrastructure to accommodate the development, including parking facilities, schools capacity while the layout would impact on existing trees and not provide an attractive frontage.
54. Sedgefield Village Residents Forum - Raise objections to the scheme highlighting that the piece of land forms an essential green corridor from the east into the village and the conservation area. Any development on the land will have a severe detrimental effect on the character of Sedgefield. Concern is raised regarding the extent of consultation in association with the planning application, and the capacities of existing schools, notwithstanding the comments of the Schools Organisational Manager.

APPLICANTS STATEMENT:

55. Members are aware of the uncertainty surrounding the CDLP and therefore the emerging planning policy position. If the Development Plan is out of date, as is the case here, the scheme should be considered in terms of paragraph 14 of the NPPF. Officers note that *"Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process"*. Furthermore Officers state that *"relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*. It is therefore incumbent on DC officers and Members alike to determine this application in accordance with NPPF, specifically Paragraph 14.
56. The NPPF provides a presumption in favour of sustainable development and requires that housing applications are determined in accordance with it. Paragraph 49 of national policy states that schemes should be approved without delay where authorities are unable to demonstrate sufficient housing supply. The NPPF also makes explicit that where policies are out of date (including where a Council cannot demonstrate a 5 year supply of deliverable housing sites) as is the case here, then planning permission should be granted for sustainable development unless the benefits of doing so are significantly and demonstrably outweighed.
57. The emerging Durham Local Plan will be revoked or indeed largely amended but this may take in excess of 12 months. Therefore no weight can be applied now. The

Sedgefield Neighbourhood Plan remains in draft form and therefore no weight can be attached for development control purposes. The proposals will result in a number of material benefits, including:-

- i. Boosting the supply of housing in a sustainable manner;
- ii. Delivering affordable housing;
- iii. Providing contribution to education facilities;
- iv. Providing contributions to improve open space provision in Sedgefield;
- v. Delivering much needed housing now.

58. A full and robust assessment of the site and surrounding landscape and nearby heritage has been undertaken by the Applicants team of professional consultants. They have robustly assessed and confirmed that the development would not bring about significant or demonstrable harm.
59. The proposals are compliant with the development plan as far as it is up to date and there are significant material considerations, including the clear expectations of the NPPF that weigh in favour of the grant of planning permission. The Applicant is able to demonstrate comprehensively that no harm would result from the development of this site. The submitted reports demonstrate that the granting of planning permission and future development of the site would not bring about impact which would “significantly and demonstrably outweigh the benefits” of granting planning permission. For the reasons outlined above we respectfully request that this outline planning application be approved without delay.

*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/applicationDetails.do?activeTab=summary&keyVal=N9SHZ7GDHLV00>*

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, visual amenity and impact on the Conservation Area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

The Principle of Development

61. The application site is located outside of the residential framework of Sedgefield, where saved policy H8 of the Sedgefield Borough Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing other than in exceptional circumstances. The site is also designated a ‘Green Wedge’ where policy E4 seeks to prevent built development, again unless in exceptional circumstances, such as for agricultural or essential sport and recreation facilities. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.
62. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of policies E1, H8

and D1 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development. It is however recognised that the NPPF promotes a more flexible approach to settlement growth and development. It is also noted that Green Wedges are not recognised within the NPPF as a method to safeguard land and therefore limited weight should be afforded to it, the development needs to be considered within the general aims of achieving sustainable development.

63. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
64. In regards to the sustainability of the site, some consideration has been given to this issue through the Strategic Housing Land Availability Assessment (SHLAA) as part of the evidence base to the emerging County Durham Plan. Although this assessment carries no weight as a decision making tool, it does provide a broad assessment to the overall suitability of developing the site. In this instance the site has been identified as amber (unsuitable for development). The site was considered to have good social determinates due to its proximity to the village centre which acts as a localised centre with a reasonable array of services to meet the needs of residents and surrounding villages. However the impact upon Sedgefield Conservation Area and the surrounding landscape adversely affected the sustainability credentials of the site. For this reason it is considered that development does not meet the presumption in favour of sustainable development. Issues regarding the visual amenity and heritage impact of the development are fully addressed below.
65. The NPPF states that where a local planning authority cannot demonstrate a 5 year housing land supply of deliverable sites, its housing policies should not be considered to be up to date. Although the level of land supply is constantly being reviewed particularly in light of the Planning Inspectors Interim findings, the Council's Spatial Policy Team has confirmed that at present the Council can demonstrate an adequate supply. Local Plan Policies can therefore be afforded weight in the decision making process. The level of supply and the weight afforded to policies has been disputed by the applicant. Notwithstanding the 5 year position, recent appeal decisions show that failure to demonstrate a 5 year land supply does not mean approving development at any cost and a comprehensive view of the sustainability of the development needs to be taken. Whilst it is recognised that schemes should not be resisted solely on housing oversupply grounds, this does enable the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.

66. This matter over site selection is currently being consideration through the Emerging Country Durham Plan, where the Council as part of its housing land supply is proposing to allocate a site of 450 dwellings at Eden Drive, Sedgefield. The proposal is in conflict with this proposed allocation.
67. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
68. In light of the above it is considered that the given the level of objections and the Inspectors Interim report no weight should be given housing policies within the County Durham Plan. However the Council strategy does retain a strategic view in terms of housing delivery within the Sedgefield area. A neighbourhood plan is also in the process of being produced by the community, which includes proposals for an alternative housing site. The current proposal conflicts with this plan, although it recognised that only very limited weight can be afforded to it given its stage of preparation.
69. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. It also requires that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing which is a key aspect of government policy. The site is also in close proximity of the village centre where there are good range of services and amenities to serve future residents. However the promotion of growth and development should not be at the expense of other elements of sustainable development, this includes the protection of the rural landscape and open countryside and historic environment. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, the plan led provision within the emerging CDP and Neighbourhood Plan.
70. The applicant has offered to make a financial contribution towards educational facilities. However as advised by the Council's Schools Organisational Manager there is sufficient capacity within the area to accommodate any additional pupils generated by the development. No weight in the determination of this application should therefore be afforded to this offer. The applicant has also made a commitment to providing employment opportunities during the construction phase, however this is a voluntary arrangement given the lack of any clear policy justification no weight should be given to this matter.

Visual Impact and Impact on Conservation Area

71. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.
72. The application site is a green field location. Its western and part northern boundaries border the existing development of Sedgefield, separated by the highway Stockton Road and Beacon Lane. However due to the dense nature of vegetation along the northern boundary and ready views to the open countryside from its eastern boundary the site has the appearance of being undeveloped on two sides and being located within the open countryside. Although the surrounding landscape is not covered by any specific designation, other than a green wedge, the site is considered an attractive approach in the village, helping to define its rural character.
73. The layout and appearance of the proposed development is not under consideration, at this stage. However the submitted information suggests that the development would be arranged around a series of cul-de-sacs with small areas of public open space through the scheme. The layout also indicates that the landscaping would be enhanced to Stockton Road, to help assimilate the development in the landscape.
74. As part of the supporting information a Landscape and Visual Review has been submitted appraising the development from a number of key views. The Council's Landscape Officer has reviewed this assessment and considers that a development in this location would not form a natural extension to the settlement of Sedgefield, but represent an incursion into an attractive landscape. It is also highlighted that there is strong evidence of medieval rig and furrow which further adds to the landscape character and value of the field. Development of this site is therefore considered to have a significant adverse visual impact on the surrounding landscape and on the approach to the village and fail to comply with policies E1 and D5 of the Local Plan and Part 11 of the NPPF.
75. The application site is located a minimum of 60m from southern border of the Sedgefield Conservation Area. Local Plan policy E18 and part 12 of the NPPF seek to preserve the historic environment, particularly the character and appearance of Conservation Areas.
76. In assessing the impact on the conservation area the views of the Council's Design and Conservation Section has been sought, who advises that the proposal would be harmful to the setting of the Conservation Area. This is because of the loss of an existing green space on the periphery of the village which forms an important backdrop of views in and out of the conservation area along Beacon Lane and Stockton Road. The development would therefore fail to conform to policy E18 of the Local Plan.
77. However it is advised that although the open green setting of the conservation area is important to its character, its significance is principally derived from the character of its historic core, centred around the village green and surrounding areas. On this basis the development is considered to represent less than substantial harm to the significance of the heritage asset and paragraph 134 of the NPPF could apply. This requires harm to the significance of the heritage asset to be weighed against the public benefits of the proposal.

78. Overall it is considered that the development would represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape and approach to Sedgefield. The proposal would also have an adverse impact on the setting of the Conservation Area. It is therefore considered that the application conflicts with policies E1, E18, and D1 of the Sedgefield Borough Local Plan

Highway Safety and accessibility

79. Saved Local Plan 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. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the capacity of the existing road network and accessibility for emergency vehicles to access the site.
80. Although indicative at this stage, it is proposed that the existing field onto Beacon Lane would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is also indicated that the dwellings would be arranged a series of cul sacs.
81. Although the proposal falls below the thresholds requiring a Transport Statement, the applicant has submitted a statement in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme advising that the surrounding road network and the adjacent junction could adequately accommodate the likely traffic generated from the development.
82. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding the access, highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

83. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. No nuisance, noise or disturbance impacts above those associated with residential uses are predicted. Subject to suppressing dust and controlling working hours through the construction phase no objections are offered by the Council's Environmental Health Unit.
84. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2040sqm across the scheme. The layout indicates a provision of 2100sqm of open space, in line with policy L2.
85. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate site investigations.

Ecology

86. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
87. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Flooding and Drainage

88. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
89. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme subject to a condition detailing the drainage system for approval. However it is identified that the Sewerage Treatment Works in Sedgefield are nearing capacity with a 300 unit headroom limit and it is advised that any future growth should be coordinated in this respect.
90. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme, it is however identified that part of the site suffers from localised surface flooding and appropriate mitigation measures would need to be incorporated into any scheme.

Other Issues

91. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey which has not identified any heritage assets apart from the rig and furrow. The Council's Archaeology Officer, although not supportive of the application raises no objections from an archaeology point of view.
92. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

CONCLUSION

93. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development would represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape and approach to Sedgefield. The proposal would also have an adverse impact on the setting of the Conservation Area. It is therefore considered that the application conflicts with policies E1, E18, and D1 of the Sedgefield Borough Local Plan, which are considered consistent with the NPPF in this respect.
94. Although the scheme would make a small contribution to housing supply, and has the potential to provide a proportion of affordable housing, the promotion of growth and development should not be at the expense of other elements of sustainable development. It is considered in this instance that these potential benefits do not outweigh the adverse visual and heritage impacts of the development. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, and plan led approach to provision within the emerging CDP. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.

RECOMMENDATION

That the application is **Refused** for the following reasons:-

1. The Local Planning Authority considers that the development would represent a significant incursion into the open countryside in conflict with policies E4 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 and Part 11 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, as a result of its siting in open countryside would unreasonably and unacceptably alter the character and setting of the settlement Sedgefield and the Sedgefield Conservation Area, contrary to policies E4, E18, and D1 of the Sedgefield Borough Local Plan, and paragraphs 7, 17 and parts 11 and 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. However, in this instance, fundamental matters of principle were unable to be addressed satisfactorily.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

County Durham Plan (Submission version) and

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited.

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies

Planning application file DM/14/02318/OUT



Planning Services

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Erection 34 dwellings (outline)

Comments

Date 28th April 2015

Scale 1:5000

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01831/FPA
FULL APPLICATION DESCRIPTION:	Erection of 79no. dwellings including associated infrastructure works
NAME OF APPLICANT:	Mr Chris Dodds, Gleeson Homes
ADDRESS:	Land North Of Travellers Green, Newton Aycliffe Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 2.16ha in area and is located on the eastern edge of Newton Aycliffe. It consists of undeveloped land, previously used as a nursery and gardens and a number of small redundant agricultural style buildings are located centrally within the site. Recreational land and playing fields are located to the north of the site, bordered by a Public Right of Way. To the east of the site lies the A167, separated by a 5m wide mature hedge. The adopted highway Travellers Green is located to the south, beyond which lies undeveloped land and Aycliffe Business Park. A 45m wide wooded plantation along the western boundary separates the site from the residential development of Gilpin Road. A number of informal access paths are located through this woodland which is in Council ownership. The local shopping centre of Neville Parade is located approximately 200m to the north west of the site.
2. Planning permission is sought for the erection of 79no. dwellings. The dwellings would be arranged around a series of cul-de-sacs, with areas of shared access and private drives. The dwellings would be mix of detached and semi-detached two storey properties equating to 17 2-bed semi's, 27 3-bed semi's, 26 3-bed detached dwellings and 9 4-bed detached properties . Vehicle access would be taken from an existing access point off the adopted highway of Travellers Green, which is currently operated as a field access. This would serve as the only vehicular and pedestrian access to the site. As part of the proposal off site highway improvement works are proposed at the junction of Travellers Green and Gilpin Road.
3. This application is being reported to Planning Committee in accordance with the Scheme of Delegation as it falls within the definition of a major development

PLANNING HISTORY

4. The site was previously used as a nursery and gardens, however this use ceased in approximately 2002

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy 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.
12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing

resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

13. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.
16. *Saved 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.
17. *Saved Policy E4 – Green Wedges* - Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.
18. *Saved 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.
19. *Saved 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.
20. *Saved 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.

21. *Saved 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.
22. *Saved 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.
23. *Saved 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.
24. *Saved 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.
25. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
26. *Saved 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.

EMERGING PLAN:

28. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
29. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report,

then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.

30. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highway Authority* – Offer no objections to the development of the site, advising that the amended layout has addressed previous concerns in relation to parking provision, visibility and manoeuvrability. Conditions are however sought to secure highway and footpath improvements as detailed in the transport assessment and to ensure hardstanding spaces are constructed before garages are built. Subject to these highway improvement works it is advised that the surrounding highway network can accommodate additional flows generated by the development.
32. *Environment Agency* - Offers no objections, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows. Advice is also offered in relation to the potential proximity of Great Crested Newts.
33. *Northumbrian Water Limited* - It is identified that Aycliffe Sewage Treatment Works are nearing capacity with an approximate 500 dwelling headroom. It is therefore advised that decision making should be co-ordinated so that the capacity is not exceeded.
34. Great Aycliffe Town Council – Offer no comments on the application.

INTERNAL CONSULTEE RESPONSES:

35. *Spatial Policy Section* – Advise that the site is designated as a Green Wedge within the Sedgefield Borough Local Plan and therefore the development of this site would conflict with the existing development plan. However, it is acknowledged that the green wedges policy from the Local Plan is only partly consistent with the NPPF, which diminishes its weight in decision making. When assessed against the sustainability objectives of the NPPF, the development of the site is considered acceptable, being located within a main town with good connection to services, amenity and employment sites. Following appraisal of the viability of the scheme it is advised that the affordable housing requirement can be waived and the scheme is considered compliant with the NPPF, boosting housing supply in a sustainable location.
36. *Landscape Section* – Offer advice in relation to the impact of the development on surrounding established vegetation including on the Council owned plantation to the west of the site. It is also advised that structural landscaping to the eastern boundary

should be secured to provide an effective, robust screen to the A167. It is also encouraged that additional and more varied planting is provided through the scheme.

37. *Air Quality Officer* – Advises that the predicted background levels of pollutants for this location are well below the Annual Mean National Air Quality Objective. The predicted AM and PM Peak Hour trips have been determined and it is considered the traffic generated by the proposed development would not have a significant impact on the existing traffic flow volumes. It is therefore considered that an air quality assessment need does not need to be undertaken.
38. *Arboricultural Officer* –Raises concerns regarding the development in relation to the Council owned woodland to the west of the site and the potential conflict, including overshadowing that could arise. It is advised that the scheme represents an overdevelopment of the site.
39. *Archaeology Section* - Offers no objections advising that following review of the submitted Geo-physical survey there is unlikely to be any archaeology remains of significance that would require further mitigation.
40. *Access and Rights of Way Section* - Highlight the proximity of adjacent public rights of way, connectivity from the development into these routes is encouraged.
41. *Contaminated Land Section* -Recommends the imposition of a condition requiring further verification of top soil prior to placement in garden areas.
42. *Design and Historic Environment Section* – Offers advice in terms of the layout of the scheme, seeking to reduce densities and to secure a robust landscaping scheme to the A167.
43. *Ecology Section* – Following the submission of additional surveys and risk assessments no objections are raised subject to the implementation of mitigation measures and the use of a method statement in relation to Great Crested Newt Risk. It is however identified that given the housing density and lack of site green space, biodiversity enhancements should be incorporated in the scheme or provided off site.
44. *Environmental Health* – Consider that the submitted noise report methodology is sound and the proposed mitigation measures are considered acceptable. No objections to the scheme are raised subject to conditions requiring the installation of the mitigation measures detailed in the submitted acoustic assessments. It is also recommended that working hours on site are controlled and measures incorporated to suppress noise and dust during construction.
45. *Employability Section* – Welcome the opportunity to secure a targeted recruitment and training programme on site.
46. NHS Trust – Advise that existing services within the area will be able to accommodate additional patients.
47. *School Organisation Manager* – Advises that local schools in the area have sufficient capacity to accommodate the additional pupils likely to be generated by the development.
48. *Sustainability Officer* – Advises that the site performed average against social, economic, and environmental determinants. However, issues identified including proximity to bus services, connectivity, lack of Green Infrastructure, recreational impact on protected habitats/ species and proximity to A167 reduce the site's overall

sustainability. Objections are raised regarding the lack of connectivity to the public right of way network which would improve the permeability of the site and the lack of landscaping and lack of Green Infrastructure. It is advised that offsite contributions to improve sports and recreational facilities and embedded sustainability should be secured.

PUBLIC RESPONSES:

49. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 8 letters of objection have been received from neighbouring residents in relation to the issues below:-
- The existing highway network is unsuitable to accommodate additional traffic generated given the width of the roads, on street car parking, age of surrounding residents and a designated bus route. Alternative access routes are suggested, including a new access onto the A167. It is highlighted that regeneration on other housing permissions in the area will put pressure on the road infrastructure.
 - Concerns are raised regarding the potential impact on newts and on other ecological interests of the site and the lack of green infrastructure
 - The capacity of local schools and health facilities is questioned.
 - It is highlighted that the proposed numbers of dwellings on this site exceed that originally planned in the County Durham Plan.
 -
 - Concerns are raised regarding the potential disturbance caused through the construction period by both traffic and construction activities.
 - Objections have been raised regarding the extent of consultations held by the applicant irrespective of statements submitted.

APPLICANTS STATEMENT:

50. The site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services. The proposal achieves a density level of around 37 dwellings per hectare and is integrated well into the locality through the design proposals which accords with National Planning Policy.
51. Newton Aycliffe is identified as a 'main town' in County Durham which will be the focus for housing and other development. The site has been earmarked for some time through the various planning documents and process for residential development purposes. This proposal will help to meet the established housing need in the area and across the County. The viability of the site has been scrutinised and

although affordable housing cannot be provided contributions are proposed towards open space requirements and there will be improvements to the current highways on Travellers Green. In addition, the development proposes to seek to achieve a reduction in CO2 emissions and will provide training and employment opportunities to County Durham residents.

52. All criteria required to be complied with in Saved Policies requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. The applicants have undertaken considerable pre-application dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times prior to the formal planning submission, to take into account the comments made.

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/applicationDetails.do?activeTab=summary&keyVal=N7RKZLGDH5G00>

PLANNING CONSIDERATIONS AND ASSESSMENT

53. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, the viability of the scheme, impact on the visual amenity of the surrounding area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

The Principle of Development

55. The application site is designed a 'Green Wedge' within the Sedgefield Borough Local Plan Proposals Map, where policy E4 seeks to prevent built development unless in exceptional circumstances. Green Wedges were established around towns to maintain the distinction between countryside and built up areas, prevent the coalescence of settlements and to provide a rural setting to development. The proposal to develop this site for a residential development would therefore be in conflict with policy E4 of the Sedgefield Borough Local Plan.
56. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect Green Wedges are not explicitly mentioned in the NPPF so the weight that can be afforded to policy E4 is considered limited. The NPPF instead sets out that sites need to be considered within the general aims of achieving sustainable development and does not preclude development on sustainably located sites. It is however recognised that a core planning principle of the NPPF is to conserve and enhance the natural environment and to protect the character of the surrounding countryside.
57. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in

isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations, however the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of landscape quality.

58. In regards to the sustainability of the site, Newton Aycliffe is identified as a within the emerging County Durham Plan (CDP) as a main town. This is in recognition that it is a sub-regional centre in terms of its retail offer, and has a good range of employment opportunities and services. For these reasons the settlement is a focus for growth in and the site has been designated as a proposed housing allocation in the submitted version of the CDP under policy 30. The site itself is considered reasonably well connected to the centre of Newton Aycliffe and Aycliffe Business Park where occupants could readily walk or cycle to work opportunities, health facilities, schools, shopping and leisure facilities, existing bus routes run in close proximity to the site. A local shopping parade is also located approximately 400m from the entrance of the site.
59. As highlighted above, paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
60. In light of the above it is considered that the given the level of objections in and the Inspectors Interim Report only very limited weight should be given housing policies within the County Durham Plan. However it is recognised that in order for the Authority to meet its housing targets, it is highly likely that Newton Aycliffe and the wider southern delivery area will have a significant role to plan in terms of delivery and housing numbers.
61. Although the development of the site for housing purposes would represent a departure from the Sedgfield Borough Local Plan, it is considered that only limited weight should be afforded to policy E4 relating to Green Wedges. When assessed against the NPPF it is considered that the proposal would represent development in a sustainable location helping to meet projected housing demand. Subject to a

detailed analysis of the impacts of the development it is therefore considered acceptable in principle for housing purposes.

Viability and Implementation

62. Local Plan Policy H19 sets out that where a relevant local need has been established the inclusion of an appropriate element of affordable housing will be required within a housing development. Such a requirement is replicated in the NPPF. As part of the emerging plan a significant amount of work has been directed towards assessing and evidencing the need for affordable housing throughout the County and the likely delivery of this through development proposals, while ensuring developments remain viable. The Councils CIL Viability and Affordable Housing Study and the Strategic Housing Market Availability Assessment, the most up to date needs assessments, set a target figure for the provision of 10% of proposed dwellings to be provided as affordable housing within the South Durham area, including Newton Aycliffe.
63. No affordable housing contributions are proposed as part of the scheme, and the applicant has stated that should this be a requirement the development proposed would be economically unviable. Paragraph 173 of the NPPF and the National Planning Practice Guidance outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. To ensure viability, the costs of any requirements applied to development, such as affordable housing, should when taking account of the normal cost of development, still provide a competitive return to a willing land owner and developer to enable the development to be delivered. Paragraph 160 also advises that local planning authorities should consider the needs of businesses and any changes in circumstances, identifying and addressing barriers to investment and delivery of housing, including viability issues.
64. On a development of this nature it would be expected that a developer would require a profit in the region of 20% of the development value of the site. Such a profit is not considered to be excessive and aligns with figures contained within the Council's Affordable Housing & CIL Development Viability Study. A competitive profit for a developer is required to be factored into the consideration of the viability of a scheme and is effectively a cost to be taken out of the gross development value of the site. Advice has been sought on this matter from the Assets and Spatial Policy Sections, which have considered in detail the submitted development appraisal for the site, including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once the amount paid for the site and development costs are taken from expected sale values, only around a 10% developers profit could actually be achieved, excluding any affordable housing provision.
65. Having regard to the advice within the NPPF, the development profit is therefore not considered to constitute an adequate return and cannot deliver affordable housing provision. The scheme does however propose a mix of dwellings, including 2 bed semi-detached dwelling which would be expected to be priced at the lower end of the market. Nevertheless, the developer remains keen to bring the development forward and has agreed to other development cost requirements. Local Plan Policy and the Open Space Needs Assessment support the need for financial contributions to improve outdoor sporting provision within the area, £79,000 contribution would be provided in line with policy requirements.
66. The applicant has also made a commitment to providing local employment opportunities during the construction phase and is willing to enter into a training,

recruitment and management employability plan. This can be secured in the proposed S106 legal agreement. However this is a voluntary arrangement and given the lack of any clear policy justification no weight should be given to this matter.

Accessibility and Highway Safety

67. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network.
68. The vehicular access to serve the development is proposed to be taken from Travellers Green to the south of the site, which serves a number of existing residential properties before linking onto the local distributor road of Gilpin Road and Clarence Chare. Improvement works are proposed at this junction to increase the capacity of the junction and aid visibility in line with adoptable standards. New and resurfaced footways are also proposed approximately 130m in length extending either side of the entrance on Travellers Green. The internal highway within the development would be arranged in a series of cul-de-sacs, with areas of shared surfacing and driveways.
69. Objections have been raised by local residents regarding the ability of the existing highway to accommodate additional vehicular traffic particularly given the level of on street car parking in the area. While the concerns raised by neighbouring residents are appreciated, the Highway Authority raise no objection to the proposed access and highway layout. It is also advised that the existing highway infrastructure can satisfactorily accommodate additional vehicle flows subject to the implementation of the improvement works, to be secured by condition. Following revisions to the layout the proposed parking levels across the scheme are considered acceptable. Suggestions have been made by objectors regarding the possibility of forming a new access on to the A167, but the highways Authority considers that this would be inappropriate. It would also entail significant infrastructure costs which could not be borne by the development.
70. In terms of accessibility, the site is reasonably connected to the centre of Newton Aycliffe which would allow residents to readily walk or cycle to work opportunities, health facilities, schools, shopping and leisure facilities. Existing bus routes also run in close proximity to the site. Improvements have been sought to improve pedestrian permeability from the northern boundary of the site to link into an existing public right of way as this leads to a nearby local service area. However while the applicant was willing to provide a pedestrian link on the northern boundary, this was not supported by the Highways Authority or Street Scene Department due to the condition of public footpaths and lighting. The viability position of the development also prohibited access improvements and the provision of lighting which would have been a significant cost. Smaller improvements to the surfacing of the highway in proximity to the A167 have however been secured to the south of the site.
71. Overall, it is considered that the development would not lead to a severe cumulative highway impact or negatively impact on highway safety and therefore accords with Sedgefield Borough Plan policy D3.

Impact on the visual amenity of the surrounding area

72. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.

73. As identified above the application site is a predominately undeveloped site, bordered by a Council owned tree belt to the west and an open recreational area to the north. The undeveloped nature and boundary treatments of the site help to create a buffer to the build environment of Newton Aycliffe when viewed from the A167 and surrounding land. However the A167 does form a natural limit of development to the east on Newton Aycliffe.
74. Negotiations with the applicant have taken place during the assessment of the application to seek improvements to the quality of the scheme, particularly in terms of the layout. As a result it is considered that the revised scheme represents a viable and practical use of the development site and would provide an appropriate layout. The proposed house types are also considered to be appropriate and commensurate with the surrounding housing stock, 2 storey brick built with pitched roofs.
75. A revised landscaping plan has been submitted indicating that existing hedgerows and mature trees on all boundaries would be retained and reinforced where necessary. In addition a structural landscaping scheme has been secured to the eastern boundary which would safeguard the green edge of the site when viewed from the A167. The retention of existing vegetation and supplementary planting proposed would help to frame and soften the impact of the development from this major road.
76. Although the width of the landscaping buffer falls slightly below that recommended by the Councils' landscape officer in places (5m). When viewed in the context of existing landscaping along the boundary of the site, it is considered that the development would be screened to an effective level, while accepting that glimpses of the development would be achieved. In terms of the western boundary of the site the development's relationship with the existing vegetation has been eased, with the footprint of dwellings moved out of tree root protection areas. It is accepted that there would likely be some shading of properties caused by some trees and vegetation but this is not considered sufficient reason to refuse the application. Any significant layout changes would have a significant impact on the viability of this already marginal scheme.
77. Overall therefore from a visual impact perspective it is considered that the proposed scheme would be read as an infill extension to this part of Newton Aycliffe, within the perceived development limits defined by the A167 and with an acceptable impact on the character and appearance of the surrounding area in accordance with policies E1, E15, D1 and D5 of the Local Plan.

Impact on amenity of adjacent residents and future occupants

78. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In considering this matter, the site layout would achieve in excess of the minimum separation distances of 21m between habitable room windows as advocated in the Local Plan (53m to the nearest property of Hollins Nook to the south). Therefore it is considered that a reduction in the level of amenity experienced by neighbouring residents would not arise in this respect.
79. In reviewing the internal layout, it is considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable level of overlooking. In accordance with section 11 of the NPPF, particularly paragraph 123, consideration also has to be given to whether the amenity of the occupants of new development would be at risk of nuisance from adjoining land

uses. In this respect, the proposal would introduce a noise sensitive use adjacent to the A167 which lies directly to the east, while there are industrial units further to the south.

80. A noise assessment was therefore requested assessing the impact from both these sources. The submitted assessment concludes the industrial units to the south would not have a negative impact, while the road noise generated by the A167 could be mitigated. The suggested mitigation measures include an acoustic barrier up to 2.9m in height, improvements to the glazing of the properties and the introduction of mechanical ventilation. The acoustic barrier would comprise of a 1m high mound with 1.9m high acoustic fence above which would extend along the eastern boundary of the site. The Council's Environmental Health Section has advised that the methodologies and recommendations of the noise report are sound and that the proposed mitigation measures would reduce the noise to acceptable levels, both in the garden areas and within the new properties. It would be necessary to secure the implementation of the mitigation measures by condition and subject to this the proposal would comply with NPPF paragraph 123.
81. The Council's Environmental Health Section has recommended conditions to restrict the working hours associated with the construction phase of the development and requiring a scheme of dust suppression to protect neighbours' amenity. The application does include a site construction management plan outlining the adoption of noise and dust suppression techniques. However these construction related effects are ultimately matters which the planning system cannot reasonably prevent or control and there are other regulatory measures outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate controls than planning conditions.
82. A land contamination survey has been undertaken on the site which identifies the possibility of contaminants being present in small portions of the site. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate validation checks on remediated soil.
83. Overall it is considered that the proposed development would not adversely impact on the residential amenity of existing or future residents subject to securing the proposed mitigation. The development is therefore considered to comply with policy D5 of the Sedgelyfield Borough Local Plan and part 11 of the NPPF in this respect.

Ecology

84. Paragraph 11 of the NPPF and policy E15 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects development on biodiversity interests. The applicant has submitted ecology reports assessing the potential impacts of the development on protected species and biodiversity. The reports conclude that there is a potential risk of a Great Crested Newt population located outside of the site on land to the south of Travellers Green. Although the risk of affecting this population is low, a Method Statement relating to the clearance of vegetation, tree pruning and fence installation works is proposed to deal with any potential residual risk. Subject to controlling the timing of the vegetation clearance (during the breeding season) a licence from Natural England would not be required. A bat survey concludes that although bats are using the site for foraging purposes this is largely confined to the western boundary and any displacement though the development would be unlikely to impact on the local conservation status of the species. Mitigation measures are also proposed to further reduce any potential impact.

85. The Ecology Section offers section confirm that the methodologies and conclusions of the assessments are sound and subject to the mitigation proposed it is advised that the likely risk to protected species is low. Concerns are however raised regarding the density of development on the site and the lack of any off site biodiversity or green space enhancements. However there is no clear policy requirement to enforce off site enhancements in this respect, while as set out above the development could not support additional financial contributions.
86. Overall it is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these and the development would accord with Paragraph 11 of the NPPF and policy E15 of the Local Plan in this respect.

Flooding and Drainage

87. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
87. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme subject to a condition detailing the drainage system for approval. However it is identified that the Sewerage Treatment Works in Newton Aycliffe are nearing capacity with a 500 unit headroom limit and it is advised that any future growth should be coordinated in this respect. This proposed development would not have a significant impact on this capacity limit while still allowing strategic growth proposed in the emerging plan.
88. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme subject to agreeing the full drainage details and layout, which can be secured by condition.

Other Issues

89. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey which has not identified any heritage assets. In reviewing the submitted reports the Council's Archaeology Officer advises that it is unlikely that there are any archaeology remains of significance that would require further mitigation.
90. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, further details are required to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

91. Concerns have been raised from local residents regarding the capacity of local services and amenities, such as schools, doctors and dentists to accommodate the development. However the Local Education Authority have confirmed that sufficient capacity is available with local schools to accommodate any increase in pupils generated by the development, while the Local NHS trust have advised that there is sufficient capacity in existing schools.

CONCLUSION

92. The scheme would represent residential development on a parcel of land designated a Green Wedge, contrary to saved Local Plan Policies. However in accordance with paragraph's 215 and 216 of the NPPF, less weight should be given to relevant saved Local Plan policies where there is limited consistency with the NPPF. In this instance the NPPF does not specifically recognise Green Wedges as a method of protection, while the development would be located in a sustainable location identified for this purpose in the emerging plan and would help to meet projected housing demand.
93. The viability of the scheme has been tested and in this instance it is considered appropriate to waive affordable housing provision in line with guidance in the NPPF and emerging plan. The scheme does however propose a mix of dwelling types and that sizes and in this particular location would have an inherent degree of affordability. The full level of developer contributions towards offsite play space would be provided and secured through a S106 legal agreement.
94. The density, layout and design of the development is realistic and acceptable for the context. The development would meet the appropriate separation distances to neighbouring properties and the proposed mitigation measures would suitably reduce noise impacts from the adjacent noise source.
95. The position of the access is considered acceptable, the development would also achieve appropriate parking provision levels and would not adversely impact on the local road network subject to the proposed junction improvements.
96. The development would not have a significant impact on any ecological interest of the site and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these

RECOMMENDATION

That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £79,000 towards the provision/maintenance of open space and recreation facilities in the locality and entering into a training, recruitment and management employability plan; in addition to the following conditions and reasons:

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.

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

Planning Layout, DRWG no. GH30:L:01C
Soft Landscaping, DRWG no. GH30:L:03C
Boundary Treatment Plan, DRWG No. GH30:L:04C
Garage Threshold / Gravel Drive Details and specification, DRGno. SD,
Detached Garage Details Single, DRWG no. SD700,
Detached Garage Details Double Non Standard, DRWG no. SD705,
Detached Garage Details Double Standard, DRWG no. SD701,
Terraced Garage Details Double, DRWG no. SD703,
Construction Management Plan
Site Waste Management Plan
Dwelling Type 201, DWRG No. 202/1F
Dwelling Type 202, DWRG No. 202/1F
Dwelling Type 301, DWRG No. 301/1G
Dwelling Type 302, DWRG No. 302/1G
Dwelling Type 303, DWRG No. 303/1E
Dwelling Type 307, DWRG No. 307/1A
Dwelling Type 304, DWRG No. 304/1E
Dwelling Type 309, DWRG No. 309/1D
Dwelling Type 310, DWRG No. 310/1D
Dwelling Type 311, DWRG No. 311/1A
Dwelling Type 401, DRWG NO. 401/1G
Dwelling Type 403, DWRG No. 403/1H
Dwelling Type 404, DWRG No. 404/1F

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E15, D1, D2, D3, D5 of the Sedgefield Borough Local Plan

3. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan.

4. No development shall take place, nor any site cabins, materials or machinery brought onto the site, until the Tree Protection fencing as detailed on plan Soft Landscaping, DRWG no. GH30:L:03C and submitted tree report has been implemented on site. The fencing shall comprise of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012 and shall remain in situ during the construction phase of eth development.

Reason: In the interests of visual amenity and in accordance with the requirements of saved policy E15 of the saved policy E15 of the Sedgefield Borough Local Plan.

5. The Landscaping works detailed on the Soft Landscaping Plan, DRWG no. GH30:L:03C. shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development). Should any tree or plant within a period of 5 years from planting die,

are removed or become seriously damaged or diseased shall be replaced in the next planting season with a similar size and species.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan.

6. Notwithstanding the requirements of condition no.5, prior to the construction of the first dwelling a scheme fully detailing the structural landscaping indicated on plan Soft Landscaping, DRWG no. GH30:L:03c shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall detail land levels, planting species and a future maintenance regime. The approved landscaping shall be implemented within the first planting season following commencement of the construction of the first dwelling. The Structural planting shall thereafter be retained in perpetuity in accordance with the approved detailed.

Reason: In the interests of the visual amenity and to provide robust structural landscaping to the A167 in accordance with policies E1, D1 and D5 of the Sedgefield Borough Local Plan.

7. No development approved by this permission other than preliminary site excavation and site clearance shall commence until a detailed scheme for the disposal of foul and surface water in accordance with the submitted Flood Risk Assessment and Drainage Assessment ref MD0858/rep/001 Rev A Received 7th July 2014, has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved scheme and retained for the lifetime of the development.

Reason: In the interest of the adequate disposal of surface water in accordance with part 11 of the NPPF.

8. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings and retained for the lifetime of the development.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy D1 of the Sedgefield Borough Local Plan

9. No development shall be carried out unless in accordance with the mitigation and method statement detailed within the Great Crested Newt Risk Assessment and amended Bat Survey Report compiled by Elliot Environmental Surveyors, received 12th March 2015 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.

10. Notwithstanding the provisions of Class A, of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order

revoking or re-enacting that Order) no fence or means of enclosure shall be erected forward of any wall of the dwelling hereby approved fronting onto a highway.

Reason: In the interests of visual amenity having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan.

11. No development approved by this permission other than preliminary site excavation and work shall commence until details of the means of access, including the layout, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policies D1, D3 and D5 of the Sedgefield Borough Local Plan

12. Prior to the commencement of the first dwelling hereby approved a detailed scheme for road junction improvement works at the junction of Travellers Green, Gilpin Road and Clarence Chare in accordance with appendix C of the Transport Assessment, ref TSC253-01, received 10th July 2014 and Shall be submitted to and approved by the Local Planning Authority. The approved road junction improvement works shall be completed prior to the commencement of construction of the first dwelling.

Reason: To ensure that the capacity of the surrounding road network can accommodate the development and to achieve a satisfactory means of access In the interest of highway safety and to comply policies D1, D3 and D5 of the Sedgefield Borough Local Plan

13. Prior to the occupation of the first dwelling hereby approved, a detailed scheme for highway improvement works to provide a continuous 1.8m wide footway along the highway Travellers Green to a point where it will meet the existing and the resurfacing of the existing footway where necessary shall be submitted to any approved in writing by the Local Planning Authority. The approved improvement works shall be completed prior to the occupation of the first dwelling.

Reason: To ensure adequate pedestrian access to the site interest of highway safety and accessibility and to comply with policies D1, D3 and D5 of the Sedgefield Borough Local Plan

14. Where a garage is not constructed on an individual plot as set out on the proposed Planning Layout, DRWG no. GH30:L:01C a hardstanding space measuring a minimum of 2.4m x 4.8m shall be provided in replacement in the same position and thereafter kept available at all times for the parking of private motor vehicles.

Reason: to ensure satisfactory incurtilage parking in the interests of highway safety in accordance with Policies D3 and D5 of the Sedgefield Borough Local Plan.

15. No dwelling hereby approved shall be occupied until the acoustic mitigation measures detailed in the Noise Assessment compiled by LA Environmental ref GD/TG/001, dated June 2014 as amended by plan Soft Landscaping, DRWG no. GH30:L:03C have bene implemented. The mitigation measures shall thereafter be retained in perpetuity.

Reason: To protect the residential amenity of future residents from the road noise comply with Paragraph 123 of the NPPF.

16. The development hereby approved shall be carried out in accordance mitigation measures set out in the Geoenvironmental Appraisal, ref N13097 dated June 2013. Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works including additional sampling of top soil prior to placement in gardens, 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 NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

County Durham Plan (pre submission version) and


Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water and Limited

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of 79 Dwellings and associated landscaping and infrastructure</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 1st May 2015</p>	<p>Scale 1:5000</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00597/FPA
FULL APPLICATION DESCRIPTION:	Erection of 12 no. terraced dwellings
NAME OF APPLICANT:	Mr Daniel Haffenden
ADDRESS:	Former Willington Health Centre Chapel Street Willington
ELECTORAL DIVISION:	Willington and Hunwick
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is that of the former Willington health centre, which is currently vacant following demolition of the health centre building. Accordingly the land is considered previously developed (brownfield land) and it lies within the Willington development limits.
2. Chapel Street runs along the eastern boundary of the site. Willington Primary School and associated playgrounds lies to the south. The current Willington Health Centre sits across the street to the east. To the north is a residential property, vehicle garage business and car park. To the west is a telephone exchange building. There are a number of mature trees surrounding the former car parking area, some of which are protected by a Tree Preservation Order.
3. Development of the site would be provided in two distinct sections: a terrace of 9 dwellings across the site frontage and a small terrace of three properties located to the rear of the site in the former car parking area. The dwellings would all be of two storey, brick and concrete roof tile construction with off street car parking to the front and private rear gardens. The proposal includes some tree removal including 1 of the trees covered by the TPO (T5).
4. The application is being reported to the committee as it constitutes a major development.

PLANNING HISTORY

5. Planning Approval was granted for a health centre on the site in 1975 which has since been demolished. An application for 9 dwellings and 9 flats at the site was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
8. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF Part 11 – 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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

LOCAL PLAN POLICY:

13. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
14. *Policy GD1 General Development Criteria* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
15. *Policy H3 Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
16. *Policy H22 Community Benefit* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
17. *Policy H24 Residential Design Criteria* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
18. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan -

19. The emerging County Durham Plan was submitted in April 2014 and has been examined in public. In accordance with paragraph 216 of the NPPF, 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. At the current time, the emerging plan is being afforded little or no weight given the publication of the inspector's interim views.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Environment Agency:* No comment

21. *Northumbrian Water*: The sewage treatment works is operating at capacity and requires upgrading. This will only take place if there was certainty over the development commencing. Recommend the developer talks directly to Northumbrian Water to understand timescales and factor in phasing. A condition is recommended that the development cannot be occupied until the upgrading is carried out.

22. *Coal Authority*: No objection

23. *Highways Authority*: No objection. Parking spaces must be made available prior to occupation of the dwellings.

INTERNAL CONSULTEE RESPONSES:

24. *Trees and Landscape*: Concerns from the Trees Section that the proximity of the trees to the proposed development will be a nuisance and could lead to more felling; but no objection from the Landscape Section subject to a landscaping scheme being conditioned.

25. *Environmental Health*: Some concerns about noise from the nearby garage and school and therefore recommend a noise assessment is conditioned to determine whether mitigation measures will need to be included in the construction of the houses.

26. *Sustainability section*: No issues with the sustainability of the site, but the scheme should seek to embed sustainability in design and construction and therefore a condition is recommended.

27. *Archaeology*: No objection

28. *Contaminated Land*: No objections but a contaminated land assessment will be required by condition.

29. *Planning Policy*: No objections

30. *Drainage and Coastal protection*: Drainage scheme required

PUBLIC RESPONSES:

31. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. There were no comments received.

APPLICANTS STATEMENT:

32. With regard to the redevelopment of the former site of the Willington Health Centre I confirm that I purchased the land in 2014 as it is a brownfield site and the governments statement that this sort of land should be used for development, this site is a prime site for this situation, I made an application in in May 2014 for a development of 9 2/3 bedroom houses and a single block of 9 2/3 bedrooms. After a lot of discussion with DCC Planning I withdrew the application in August 2014. I have now re-designed the development into 9 3/2 bedroom terrace and one 3 3 bedroom single block, this redesign has been discussed with the DCC Planning department and I feel we have taken on bard their requirements as well as the development will enhance the surrounding area.

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and design, highways issues, impact upon trees, drainage and other issues.

Principle of development

34. Policy H3 of the Wear Valley Local Plan seeks to direct development to towns and villages best placed to support it and states that development within Willington is permissible.

35. This is consistent with the National Planning Policy Framework which also seeks to direct development to locations that are considered sustainable, for example locations within and close to existing built up areas where services are available without the need to resort to the use of the private car.

36. The application site is located close to the centre of Willington, as such a range of local services are provided nearby within walking distance and public transport links are available. The location is considered sustainable in line with the NPPF.

37. Also identified within the NPPF is a core land use planning principle which states that planning decisions should encourage the effective use of land by re using land that has been previously developed (brownfield land) provided it is not of high environmental value.

38. The site constitutes previously developed (brownfield land) having previously hosted the health centre which has since been demolished. The site appears to have been left vacant since this time.

39. The appearance of the site at the present time is somewhat awkward, with boulders preventing unauthorised vehicular access to the site associated with an empty car park. The proposal would bring the site into step with the well-developed surrounding urban environment.

40. Officers consider the development acceptable in terms of principle and the scheme accords in this respect with policy H3 of the Wear Valley Local Plan and the aims of the NPPF.

Layout, design and amenity

41. The development would comprise of two storey terraced properties which would be built of brick with tiled roofs. The dwellings would respect the setting of the site through fitting in well with its urban nature. The development of the site would not result in the loss of an important open space and is served by adequate existing access arrangements.

42. Given the compact nature of the site and small scale of the development, it would not be appropriate to provide open space within the development. Instead an off site contribution of £12,000 will be sought towards the provision/maintenance of social, community and or recreational facilities within the locality to meet the requirements of Wear Valley Local Plan Policy H22. Each property would be provided with a private garden area. The gardens proposed to the dwellings are less deep than the 10 metre requirement under policy H24, generally measuring 8mtrs in depth upwards. The separation distance between the rear elevations of the larger terrace to the gable end elevation of unit 10 are slightly short at just over 12mtrs rather than the suggested 15mtrs detailed within the Policy.
43. However, in light of NPPF guidance that post-dates the local plan policies, Officers are able to give more significant weight to the importance of viably using this previously developed land in a sustainable location to justify these very minor departures from Policy H24. The proposed garden size would not be out of character with other terraced dwellings in the area. The slightly short separation distance would not in Officers opinion have a significant impact on the amenities of future occupiers of the site to warrant attempted revision to the scheme.
44. It is unlikely that the development would conflict with adjoining uses, although the presence of a vehicle garage across from the site is noted. Environmental Health Officers have recommended a condition in this respect requiring a noise survey which would determine whether sound attenuation measures are required within the proposed development to protect future residents from the transferral of sound from commercial premises. The garage already sits among existing housing and given the development would present a gable end to the garage, rather than habitable rooms it is considered likely that a suitable mitigation scheme could be achieved if deemed necessary by the survey and therefore it is appropriate to deal with the issue by condition.
45. In line with Policy GD1, the development is considered to be of appropriate form, mass, scale, layout, density and materials.

Highways Impacts

46. Policy GD1 relates to highways issues and it requires that safe access to the site and adequate parking should be provided. It also requires that development does not create unacceptable levels of traffic which would exceed the capacity of the local road network.
47. Policy T1 relates to transport and generally echoes the requirements of Policy GD1 but also adds that development should be capable of access by public transport networks.
48. The Highway Authority has no objection. They are satisfied that the local road network is capable of hosting any traffic that could be generated. An appropriate amount of off street parking provision is provided within the scheme. These should be made available prior to the occupation of the dwellings and can be conditioned as such.

Impact upon Trees

49. The majority of trees are located along the western boundary of the site, particularly in the nw and sw corners of the former car parking area. Not all are protected by the tree preservation order. T5 of the TPO, which is located centrally in the western boundary, would be removed along with some other low quality specimens which are

not included in the TPO. Many trees that are not in conflict with the development proposals would be retained.

50. The Council's Tree Section does not support loss of T5 and considers the proximity of some of the plots to the trees could lead to a situation where residents might consider them to be a nuisance.
51. Its only plots 1, 2 and 12 however which are near to the trees. T5 would be lost as a direct result of plot 12, but it is noted that the concerns of the Tree Section are more about opening up views of the telephone exchange building behind it. The new dwellings would however obscure views of the telephone exchange and therefore it is not considered to be an issue. As the rest of the trees along that boundary are to the sw and nw of plot 12 they are not likely to lead to any significant overshadowing of plot 12. Trees T1 and T2 are to be retained to the rear of plots 1 and 2. Had they been to the south of those plots there may have been legitimate grounds for concern about shading, but not when they are to the west and particularly when they are not very large specimens. Regard must also be given to the desirability of re developing this sustainable empty site, which contributes little to the appearance of the area. This is a factor which carries significant weight, particularly in outweighing the loss of T5.
52. Therefore, while acknowledging concerns of the Tree Officer, there are not considered to be sufficient reasons to justify refusal on the grounds of tree impact. The Landscape Section has not objected and a landscaping scheme can be conditioned.
53. The proposal accords with Wear Valley Local Plan policy GD1 in this respect.

Drainage

54. Northumbrian Water has noted that the existing sewerage treatment works require upgrade prior to accepting any additional flows from the proposed development. They have however indicated it is likely that these works can be actioned, subject to them having some certainty that the site will be brought forward for development. The timing of the upgrade works is a matter that needs to be discussed between Northumbrian Water and the developer.
55. Accordingly, while there is not sufficient sewage capacity at present, there is good likelihood that the matter will be addressed and therefore it is considered appropriate to condition that the dwellings cannot be occupied until the works to upgrade the sewage treatment works have been completed as requested by Northumbrian Water.
56. A condition will also be required to ensure an appropriate surface water drainage scheme is provided.
57. Subject to these conditions the proposal complies with Wear Valley Local Plan policy GD1 in this respect.

Other issues

58. The risk of protected species being on the site is considered to be low due to the highly urban location and the nature of the site which is half tarmac and half rough dirt/grass.
59. The number of units proposed is below the level at which affordable housing provision is required, which in this delivery area is set at 15 dwellings.

CONCLUSION

60. The proposal would allow the appropriate development of this previously developed site for housing within a sustainable location within Willington.

61. The proposal therefore accords with NPPF parts 4, 6, 7, 10, 11 and local development plan policies GD1, H3, H22, H24, and T1 of the Wear Valley Local Plan.

RECOMMENDATION

That the application be **approved** subject to the completion of a section 106 legal agreement to secure a contribution of £12,000 towards the provision/maintenance of social, community and or recreational facilities within the locality and the following conditions -

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.

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

Dwg 3059/10A

Dwg 3059/11A

Dwg 3059/12A

Arboricultural impact assessment

Arboricultural method statement

AMS EXIA-A

EXI-A

TPP REV C

All received 26th Feb 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF parts 4, 6, 7, 10, 11 and local development plan policies GD1, H3, H22, H24, and T1 of the Wear Valley Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

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

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

6. No dwelling shall be first occupied until its car parking space(s) have been made available for use and thereafter all car parking spaces shall remain unobstructed and available for the parking of private vehicles at all times.

Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Wear Valley Local Plan.

7. No development shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.

8. No development shall take place until a detailed acoustic report, carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from commercial premises. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Wear Valley Local Plan.

9. No dwelling shall be occupied until Northumbrian Water have provided written confirmation that upgrade works to the local sewage treatment works to create additional capacity to serve the development hereby approved have been completed.

Reason: To ensure there are adequate foul drainage arrangements for the site in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.

10. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.

11. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

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 submitted to and approved in writing by the Local Planning Authority and thereafter carried out by competent person(s). 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.

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.

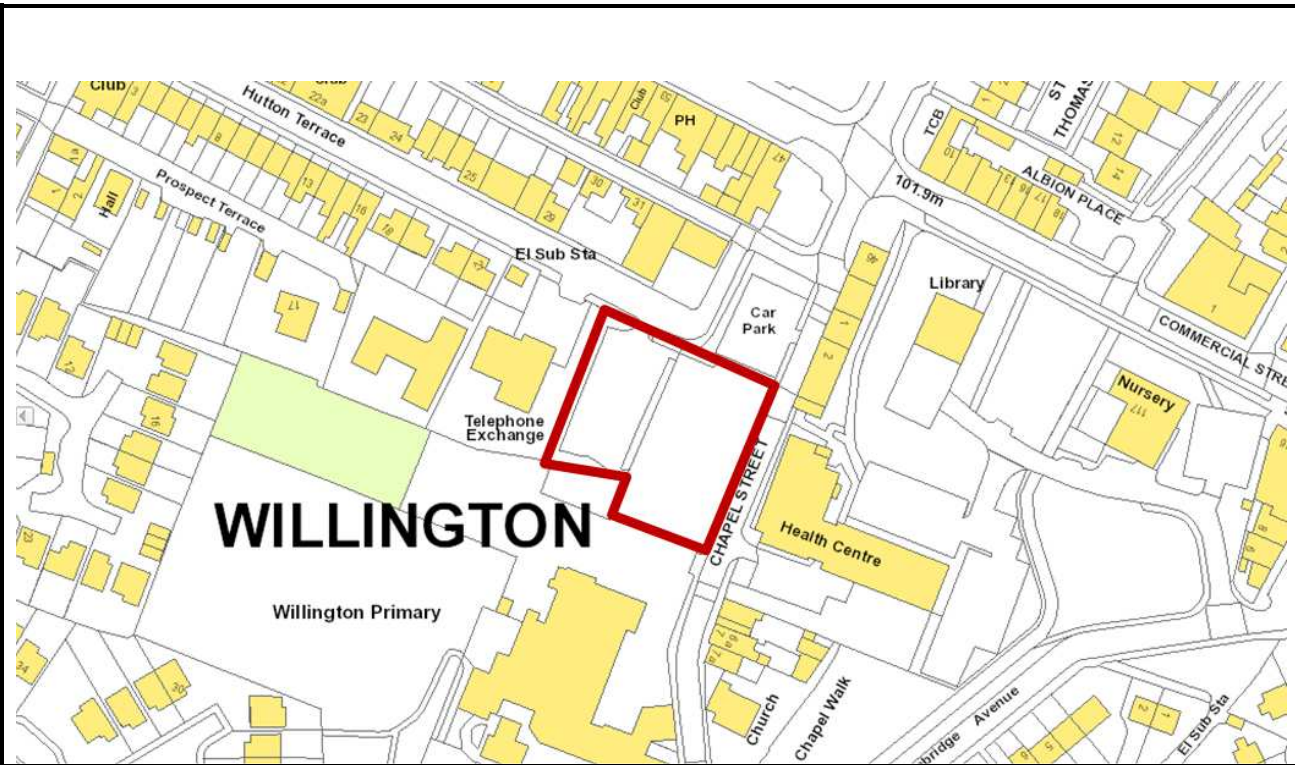
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

12. No development shall take place, nor any site cabins, materials or machinery be brought on site until all trees scheduled for retention are protected in accordance with the details in the Arboricultural Method Statement Tree Protection Plan (AMS TPP-Rev C. The fencing must be retained throughout construction works and no storage of any materials is to take place inside the fences.

Reason: To protect the trees from construction damage in the interests of the health and amenity of the trees and impact on the character and appearance of the area. In accordance with policies GD1 of the Wear Valley District Local Plan.

BACKGROUND PAPERS

Submitted application form, plans supporting documents provided by the applicant
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Wear Valley Local Plan
The County Durham Plan (Submission Draft)
All consultation responses received



WILLINGTON

Willington Primary



Durham
County Council

Planning Services

12 no. terraced dwellings and associated works

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14th May 2015

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