



County Planning Committee

Date Tuesday 7 February 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 3 January 2017 (Pages 3 - 6)
5. Applications to be determined
 - a) DM/16/03392/FPA - Glaxo Smith Kline, Harmire Road, Barnard Castle (Pages 7 - 18)
Construction of pharmaceutical manufacturing facility and associated works
 - b) DM/16/03397/FPA - Land To The East Of Clare Lodge and Durham Road, Chilton, DL17 0RW (Pages 19 - 54)
Hybrid application, comprising full element of 92 dwellings and outline element for up to further 90 dwellings.
 - c) DM/16/03249/FPA - Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses (Pages 55 - 90)
Hybrid application, full planning permission for the erection of 122 dwellings and outline planning permission (all matters reserved) for up to 115 dwellings
 - d) DM/16/02709/OUT - Land Adjoining Woodham Bridge Cobblers Hall Road Newton Aycliffe (Pages 91 - 120)
Outline application for the erection of up to 430 dwellings (all matters reserved except access) and landscaping and engineering works,
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

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

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

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
30 January 2017

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

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland,
I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson,
G Richardson, A Shield, P Taylor and R Young

Contact: Ian Croft

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 3 January 2017 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors D Boyes, J Clare, P Conway, M Dixon, I Jewell, B Moir (Vice-Chairman), H Nicholson, G Richardson, A Shield, P Taylor and R Young

1 Apologies for Absence

An apology for absence was received from Councillor A Laing.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 6 December 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/01417/FPA - University Hospital of North Durham, North Road, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for a two storey Emergency Department and surface car parking and demolition of old hospital buildings at University Hospital of North Durham, North Road, Durham (for copy see file of Minutes).

C Baxter, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs from the south and west of the site and access to the east of the site, proposed layout plan, proposed elevations and proposed floorplan. The presentation also included a visual image of the proposed new Emergency Care and Urgent Care facility.

Councillor Nicholson expressed concern about the extra traffic which the development would generate and referred to the appointment of a Travel Plan Co-ordinator as mentioned in paragraph 57 of the report. Councillor Nicholson also asked whether it might be possible to have an ambulance only lane on the approach to the hospital.

J McGargill, Highway Development Manager replied that any additional traffic would have an impact on the highway network, which was known to be already saturated. The development of a Travel Plan and appointment of a Travel Plan Co-ordinator, which was covered by Condition 10 of the planning conditions may offset traffic generated by encouraging the use of other methods of transport. The development would result in further delays on the highway network with up to 100 peak hour journeys being generated, however there were daily, weekly and monthly traffic fluctuations. Ambulances would enter the site from the Aykley Heads roundabout and exit via Southfield Way. The applicant had no concern about this because it was a blue light service.

Councillor Davidson informed the Committee that the last word in paragraph 58 of the report should read 'refusal' rather than 'approval'.

Councillor Boyes referred to the previous decision by the Area Planning Committee (Central and East) to grant permission for the demolition of Dryburn House. On that occasion the Committee had conducted a site visit and Councillor Boyes asked why no site visit had taken place for this application. Councillor Davidson replied that he had discussed the need for a site visit with the Senior Planning Officer prior to the publication of the Committee papers. The main issue on the site was the demolition of Dryburn House which was a listed building and this had already been determined by the Area Planning Committee. This would have been a delegated decision had it not been called in by a local Member. He had therefore decided that no site visit was necessary for the application to be determined.

Councillor Dixon, in moving approval of the application, hoped that the extra traffic generated from the development would add grist to the mill for a Western or Northern Bypass for Durham as currently the highway network operated at a maximum. He also hoped that the applicants would lend their voice to support the construction of a Bypass in the future.

The Highway Development Manager replied that a Western Bypass would take some traffic off the A167 and would reduce delays. This was currently being pursued through the County Durham Plan.

C Cuskin, Planning and Development Solicitor advised the Committee it must consider the application on the basis of the current state of the highway network and that the issues of the Northern and Western Bypasses were not relevant to the determination of this application.

Councillor Shield informed the Committee that he shared the concerns expressed about the highway network. He asked what impact the proposed development would have on the existing Accident and Emergency provision and how it may impact on service delivery.

Professor Chris Gray, County Durham and Darlington NHS Trust's Executive Medical Director informed the Committee that the proposed scheme would enable the Emergency Department to be fit for purpose. The current Accident and Emergency Department was designed to handle 32,000 admissions per annum and was currently handling 65,000 per annum. The Department had been refurbished year on year to meet the extra demand to a point where it could not be further developed. The proposed new Accident and Emergency Department would be designed to improve patient flow through the hospital. During the construction of the new facility the current level of service would be maintained.

Councillor Moir informed the Committee that the proposed new facility would benefit residents of County Durham and seconded approval of the application.

Councillor Taylor informed the Committee that the current Accident and Emergency Department was operating under extreme pressure and was no longer fit for purpose, operating at over double capacity. Although it was regretful that a listed building was to be demolished, he would rather save lives than save buildings.

Councillor Clare also expressed concern about the impact of the proposed development on the highway network. County Durham needed this development and Councillor Clare asked what element of future-proofing had been built in to the development. Professor Gray informed the Committee that the proposed development had built in a 3% growth per annum and should be future proof for 10 years.

Councillor Richardson, while supporting the application, informed the Committee that the Accident and Emergency provision at a newly built hospital at Bishop Auckland had been removed only a few years ago. The Bishop Auckland facility had been built for Accident and Emergency admissions but was not now used. This should be something to be addressed by the NHS. Additionally, this application was proposing a 222 space car park and Councillor Richardson stressed the need for parking charges to be controlled.

Councillor Davidson informed the Committee that the issues raised by Councillor Richardson regarding Bishop Auckland hospital and car parking charges were not part of this application.

Councillor Boyes referred to the loss of some trees which were protected by Tree Preservation Orders. He asked whether there should be a specific condition for the replacement of these trees or whether Condition 9 of the permission was sufficient.

The Senior Planning Officer replied that the Plan Ref 9016-013/101 B under Condition 2 of the permission indicated where trees were to be planted to mitigate the loss of the Tree Preservation Order trees. Condition 9 included the protection of trees which may die, were removed or became seriously damaged within 5 years of completion of the development. In response to a follow up question from Councillor Boyes, the Senior Planning Officer confirmed that the same number of trees would be planted as were removed.

Upon a vote being taken it was

Resolved:

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

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03392/FPA
FULL APPLICATION DESCRIPTION:	Construction of pharmaceutical manufacturing facility and associated works
NAME OF APPLICANT:	Mr Colin Driver
ADDRESS:	Glaxo Smith Kline Harmire Road Barnard Castle DL12 8DT
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies within the grounds of the Glaxo Smith Kline (GSK) facility on Harmire Road in Barnard Castle, immediately to the south of Block C and behind Block E. The land is currently mostly grassed apart from the cold stores and cabins, which would be removed to facilitate the proposed new building, but it has previously hosted large manufacturing buildings. Land levels are lower than the adjacent land to the south and the southern site boundary benefits from extensive tree cover. Bordering the site to the south is the Teesdale Sports Centre and GSK club. To the east are the Teesdale School playing fields and to the west across Harmire Road are residential properties.
 2. The whole of the GSK site falls within the Area of High Landscape Value designation in the Teesdale Local Plan, but it is also an industrial allocation in the Local Plan and lies within the Barnard Castle development limits.
 3. The application proposes the erection of a new 8000mSq state-of-the-art aseptic manufacturing, storage and dispatch facility to meet business requirements. Associated works include landscaping and new circulation routes around the building. Loading and servicing would take place at the eastern side of the building from a new internal access road connecting to the existing internal network. The building would be constructed of modern materials in muted grey colours with a maximum height of approximately 13.5mtrs. Overall, the scheme represents significant investment estimated at approximately £94 million.
 4. The application is reported to the Planning Committee as it represents major development.
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PLANNING HISTORY

5. There have been numerous applications for developments at the site over the years, all in relation to GSK operations. Some of the more recent developments include:

DM/16/03133/AD: Installation of 2 no. illuminated fascia logo signs including feature lighting: Approved.

DM/16/02816/FPA: Extension to side (removal of existing conservatory): Approved.

DM/16/02702/FPA: Provision of temporary car park and on site earth mound (description amended 01/09/2016): Approved.

DM/16/01495/FPA: Demolition of single storey workshop and erection of extension to the north of 'C' Block :Approved.

DM/15/03731/FPA: Erection of extension to the east of J block: Approved.

DM/15/01613/FPA: Formation of car park on existing hardstanding: Approved.

DM/15/00385/FPA: Erection of new 20.0m chimney stack: Approved.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, 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. *NPPF Part 1 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
8. *NPPF 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. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10. *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. Inappropriate development in areas at risk of flooding should be avoided.
11. *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

LOCAL PLAN POLICY:

12. The following policies of the Teesdale Local Plan are relevant to the application; however, 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.
13. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
14. *Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
15. *Policy ECON1: Availability of Industrial Land:* Land is allocated for business, general industrial or storage and distribution uses (Classes b1, b2 and b8 respectively of the Town and Country Planning (Use Classes) Order 1987) at Harmire Enterprise Park, Barnard Castle.
16. *Policy ECON2: Extensions to Industrial Estates:* Extensions to existing business premises and Industrial estates will be permitted where all the following criteria are satisfied A) it does not have an adverse effect on the amenity of local residents B) it does not have an adverse effect on the environmental quality of the area C) submitted details are acceptable in terms of access, layout and design; and the development is in accordance with all other Local Plan policies.

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/article/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

17. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Highway Authority*: No objections, but arrangements for construction traffic management and parking, particularly during deliveries at the Strathmore Road construction site entrance should be specified.
19. *Northumbrian Water*: No objections subject to strict accordance with the submitted document entitled "Drainage Philosophy Report", which states that surface water will discharge to the watercourse, whilst foul flows at 2.5l/sec, will discharge to the combined sewer using existing connections.

INTERNAL CONSULTEE RESPONSES:

20. *Drainage and Coastal Protection*: No objections on the understanding that the recommendations within the submitted document entitled "Drainage Philosophy Report" are implemented.
21. *Business Durham*: In full support of the proposal as Glaxo Smith Kline is a major employer in this rural location supporting over 1000 people in highly skilled jobs for the County, and offers the potential for local residents to access global careers. This £94 million investment in new plant and new medicines will secure the future of this state of the art flexible production facility for twenty years plus. It will also help secure and sustain the future of other local companies within its supply chain for this period.
22. *Landscape and Trees*: Would have liked better details of which trees are to be removed, but it is most important to ensure the trees on the perimeter of the site are retained and protected during construction.
23. *Design and Conservation*: No objection. This would be a well presented building contained within the existing industrial site with no impact on any designated heritage assets.
24. *Environmental Health (Noise)*: No objection, but there are some concerns about noise from new plant and therefore requests a condition which requires detailed noise impact assessment and approval by the local planning authority prior to operation of any plant at the site. A Construction Management Plan is also

requested to ensure the construction is carried out with minimal disruption to neighbouring residential properties.

25. *Contaminated Land*: No objection, no further investigation is required.
26. *Ecology*: No objection, the recommendations from the Newt report (Section 8 – amphibian exclusion) should be conditioned.
27. *Sustainability Advice*: Recommend conditions for a Travel Plan and a scheme to embed sustainability in the design and construction.

PUBLIC RESPONSES:

28. The application has been publicised by way of press and site notice and neighbour notification letters. No responses have been received.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

29. The GSK Site at Barnard Castle has been a centre for Global Manufacturing and Supply of life changing medicines for over 70 years. To ensure this business, which is home to over 1400 employees, continues to be a world leader in the advanced manufacture of Bio-pharmaceutical and Aseptic drug products, the company need to make a significant investment in excess of £90 million to create a new state of the art facility. This new facility will manufacture the next generations of innovative medicines. Current facilities are nearing end of life and are unable to meet the requirements for these new medicines which will treat, amongst other conditions; - Auto-immune diseases, Oncology, pre-term labour and HIV. These new products will form a significant proportion of the GSK long term business at the site. The jobs at GSK Barnard Castle make a significant contribution to the local economy & North East region. The medicines they manufacture, many of which are first in class treatments for un-met medical needs, have an enormous impact on improving the lives of millions of people all over the world. This proposed investment introduces new advanced technology to the site which requires skills development in which the company will invest to create a long term centre for advanced pharmaceutical manufacturing at the Barnard Castle site.
30. We very much appreciate the support provided to date and look forward to approval and start of the construction phase in Q2 2017, meeting our project timeline and regulatory commitments. This phase of the project will create over 200 additional jobs during construction and engineering works.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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, impact on the character and appearance of the area, residential amenity and highways.

Principle of development

32. The NPPF paragraph 14 advises that development proposals which accord with the development plan should be approved without delay. One of the core aims of the NPPF is to proactively drive and support sustainable economic development. Paragraph 19 advises that significant weight should be placed on the need to support economic growth through the planning system.
33. The site falls within an industrial/employment allocation under Teesdale Local Plan Policy ECON1. Policy ECON2 permits extensions to existing business premises where detailed environmental and highways criteria are met. These policies are consistent with the aims of the NPPF.
34. GSK is a global company manufacturing medicines for use all over the world. It is a major contributor to the local economy and employment in the area. An investment in excess of £90m represents significant commitment to sustain its long term future at the site. The introduction of advanced technology would also lead to further investment in skills and there would be benefits to other local companies in the supply chain. There would also be economic benefits from the construction period.
35. The principle of the development is therefore wholly in accordance with NPPF guidance and Teesdale Local Plan Policy ECON1. Assessment in relation to the criteria of Teesdale Local Plan Policy ECON2 will be considered below.

Impact on the character and appearance of the area

36. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. Teesdale Local Plan Policy GD1 requires that development is of a high standard of design. Policy ENV3 advises that development will be permitted where it does not detract from the Area of High Landscape Value's special character. Policy ECON2 requires that extensions to business premises do not have an adverse effect on the environmental quality of the area.
37. The proposed building would be located wholly within the existing GSK grounds on an area of land adjacent to the existing buildings where there have previously been large manufacturing sheds. Although large, its scale and materials would be in keeping with the existing buildings it would be seen alongside, and its design would be a positive modern addition to the site. Views from the immediate area would be limited because of existing buildings, levels and boundary trees, which would be retained and could be suitably protected during construction. Some minor internal trees require removal, but they do not have any amenity value beyond the site boundary and therefore their loss is not of any consequence to the amenity of the area.
38. Overall, the development would sit comfortably on the site without detriment to the visual amenity of the area. Accordingly, there is no conflict with the design objectives of Teesdale Local Plan Policies GD1 and ECON2, or NPPF Part 7. There is also no conflict with the landscape protection objectives of Teesdale Local Plan Policy ENV3 given the site's location which is firmly within the built up area of the town.

Impact on residential amenity

39. Part 11 of the NPPF states planning decisions should aim to avoid significant adverse impacts from noise, mitigate and reduce to a minimum other adverse impacts, and also recognise that development will often create some noise. Teesdale Local Plan Policies GD1 and ECON2 require that development should not have an adverse effect on residential amenity.
40. The nearest residential properties lie to the west and south on Harmire Road and Woodlands Road. The new building would be positioned behind block E and although it would bring development further south, it would still be positioned well within the site and a substantial distance from the properties on Woodlands Road. There is also a sports club between the site and those properties. The Environmental Health (Noise) section, while not objecting, has suggested noise assessments are carried out prior to the installation of any plant associated with the use of the new building because of potential for 24hr operation. However, this is a long established manufacturing site and there have previously been manufacturing buildings in the same area where the proposed building would be located. There have been no objections from neighbouring properties, nor has there has been attention drawn to any previous complaints about noise from the site. The building has been designed so that the major new plant would be located at the northern end of the building close to the existing buildings, and all servicing and loading would take place at the eastern end of the building via the existing site entrance. Additionally, both the existing Block E and the new building itself would be barriers to noise transference.
41. Taking all this into account, it is considered that the proposal has paid sufficient regard to relationships with neighbouring properties and there is not likely to be any significant noise and disturbance impacts. There is no conflict with Teesdale Local Plan Policy GD1 or NPPF Part 11. A requirement to carry out noise assessments before any plant is installed would therefore unnecessarily delay implementation of this important development and runs contrary to NPPF paragraph 21 that states investment in business should not be over-burdened by planning expectations, and also paragraph 123 that recognises that development will often create some noise and businesses wanting to develop should not have unreasonable restrictions put on them.
42. There could be a lengthy construction period given the scale of the proposal, but the impacts would still be temporary and could be appropriately managed through a condition requiring a Construction Management Plan covering matters that are reasonable to control such as working hours and measures to minimise dust and vibration.
43. There is no conflict with Teesdale Local Plan Policies GD1 and ECON2, or NPPF Part 11.

Highways

44. When operational, the development would utilise the main GSK entrance and the Highway Authority has no concerns about suitability of the access or the impact on local road capacity. Existing parking within the premises is unaffected and the development would not generate need for additional employee or visitor parking.
45. The Highway Authority has however commented on arrangements for construction traffic and parking, which requires management to prevent highway obstruction. A Construction Logistics Report submitted with the application identifies that

construction traffic would use the gated access on the south western corner of the site, which leads off Strathmore Road. During deliveries this access will be managed by a banksman. Parking for construction workers will take place in a dedicated parking area that has recently been created in an area to the north of the GSK site. It is considered that these measures would be appropriate to help minimise construction traffic disruption and could be specified as part of the overall Construction Management Plan to be submitted for approval before works commence.

46. There would be no conflict with NPPF Part 4 or Teesdale Local Plan Policies GD1 and ECON2 in highways terms.

Other Issues

47. Common Smooth Newts were found in a small pond immediately to the south of the application site. These are not a protected species; however the Amphibian Survey recommends mitigation to exclude their access to the construction site, details of which can be conditioned. Bat activity is limited to the periphery of the site, which will not be unacceptably affected by the development. The Ecology Section has raised no objections subject to approval of amphibian exclusion measures as recommended in the submitted report.
48. The Council's Drainage Section and Northumbrian Water have agreed to a drainage scheme which separates surface and foul water discharge. This can be secured by a condition.
49. The Contaminated Land Section is satisfied that no further ground investigation is required.
50. The sustainability section has requested conditions requiring a Travel Plan and a scheme to embed sustainability in the design and construction of the development. However, the proposed development is part of a much larger operation on the site, which already has its own sustainability measures in place. The site is already very accessible by sustainable modes of transport and the proposal would not put any significant pressure on local transport networks or parking provision in the site. Additionally, details have been submitted showing how the company has delivered a 41% reduction in its carbon emissions from energy use at the site in the last 10 years through its own programme. Connection to the site CHP, heat recovery, solar PV panels, efficient lighting are just some of the measures that will be incorporated into the proposed development in line with the existing programme to ensure it is a sustainable development. The requested conditions are therefore not necessary.

CONCLUSION

51. At the heart of the NPPF is a presumption in favour of sustainable development.
52. The proposal represents a significant investment in the future of the GSK site, securing jobs, developing local skills and bringing benefits to other local companies within the supply chain, as well as during the construction phase. This is wholly in accordance with the NPPF core planning principles and aims of Part 1 to secure economic growth.
53. The proposal is also acceptable in respects of its design, impact on neighbours, highways and other environmental and sustainability considerations. As such,

there is no conflict with NPPF Parts 1, 4, 7, 10 and 11 and the relevant Teesdale Local Plan Policies GD1, ENV3, ECON1 and ECON2.

54. It is therefore concluded, in the context of paragraph 14 of the NPPF, that the proposal accords with the development plan and therefore benefits from the presumption in favour of sustainable development.

RECOMMENDATION

That the application be **APPROVED** subject to 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.

MSP-XX-01-M2-A-0004 GROUND FLOOR PLAN REV P1
MSP-XX-01-M2-A-0005 FIRST FLOOR PLAN REV P1
MSP-XX-02-M2-A-0006 SECOND FLOOR PLAN REV P1
MSP-XX-03-M2-A-0007 SPINE ACCESS LEVEL REV P1
MSP-XX-R3-M2-A-0008 ROOF PLAN REV P1
MSP-XX-ZZ-M2-A-0009 CROSS SECTIONS REV P1
MSP-XX-ZZ-M2-A-0010 REV P1
MSP-XX-ZZ-M2-A-0011 ELEVATIONS REV P1
MSP-XX-ZZ-M2-A-0100 EXTERNAL WORKS/LANDSCAPING REV P2
MSP-XX-ZZ-M2-A-5000 PERSONNEL & VEHICLE MOVEMENT REV P2
16T643-120 OVERALL SITE LAYOUT REV P1
Drainage Philosophy by Billingham George and Partners September 2016
Flood Risk Assessment by Billingham George and Partners September 2016
Ground Investigation Phase I and II Arc Environmental February 2016
Noise Assessment by Exova Catalyst March 2016
Tree Survey Report, Arbtech October 2016
Great Crested Newt and other Amphibians survey June 2015 by Interserve
Construction Logistics Report
Energy and sustainability statement all received 21st October 2016

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

3. All surface water from the approved development shall discharge to the watercourse and foul flows shall discharge to the foul sewer at a restricted rate of 2.5 l/sec in accordance with the submitted Drainage Philosophy Report.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF Part 10.

4. Other than preparatory ground works, clearance or investigations, no development shall commence on the construction of the building hereby approved until details of the measures for excluding amphibian species from the construction site have been submitted to and approved in writing by the local planning authority. The measures shall be put in

place before construction works on the building commence and thereafter retained throughout the construction period unless otherwise agreed in writing by the local planning authority.

Reason: To prevent harm to amphibians in the nearby pond during construction in accordance with Teesdale Local Plan Policy GD1 and NPPF Part 11.

5. Other than preparatory ground works, clearance or investigations, no development shall commence on the construction of the building hereby approved until the trees along the southern and eastern site boundaries have been protected by the erection of fencing that complies with BS 5837 (Trees in relation to design, demolition and construction – recommendations). The tree protection shall be retained throughout the construction period unless otherwise agreed in writing by the local planning authority.

Reason: To protect the boundary trees from construction damage in the interests of visual amenity in accordance with Teesdale Local Plan Policy GD1.

6. Other than preparatory ground works, clearance or investigations, and notwithstanding details already submitted, no development shall commence on the construction of the building hereby approved until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall consider the potential environmental impacts (such as noise, vibration, dust, & traffic) that the development may have upon any occupants of nearby premises and the public highway and shall detail mitigation proposed. This shall include:

- Measures to minimise dust taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- Details of the operating hours during which construction and deliveries are to be undertaken at the site.
- Confirmation of the location of parking for site operatives.
- Details of measures for the management of construction delivery traffic.
- Details of any site hoardings to be erected.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received during the construction period.

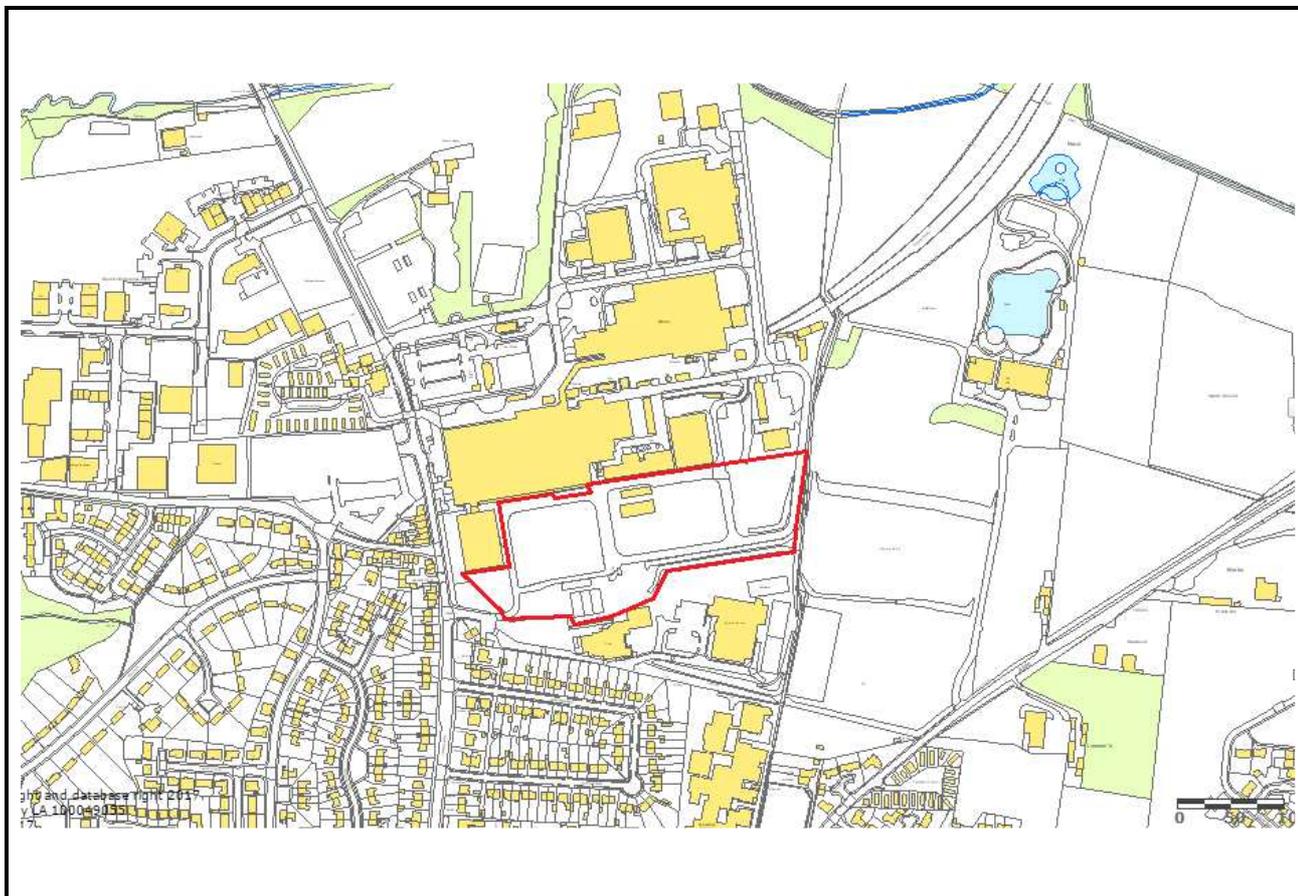
Reason: To ensure the construction is carried out with appropriate consideration and minimal disruption to the amenity of the local area and in the interests of highway safety in accordance with Teesdale Local Plan Policy GD1.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The decision has been made in accordance with an extension of time arrangement agreed with the applicant.

BACKGROUND PAPERS

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



Planning Services

Construction of pharmaceutical manufacturing facility and associated works

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07th February 2017

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03397/FPA
FULL APPLICATION DESCRIPTION:	Hybrid application, comprising full element of 92 dwellings and outline element for up to further 90 dwellings.
NAME OF APPLICANT:	Avant Homes Ltd
ADDRESS:	Land To The East Of Clare Lodge And Durham Road Chilton DL17 0RW
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Colin Harding, Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application is located on the southern edge of Chilton, and extends to 7.8 hectares of agricultural land. Roughly rectangular in shape, the site is bounded by the existing settlement boundary of Chilton to the north, land in agricultural use to the south and east, and Durham Road to the west, from which the vehicular access into the site is proposed.
2. The site slopes from north to south, with hedgerows and existing landscape features enclosing the site from all four boundaries. Residential properties on Meadowdale abut the northern site boundary beyond existing hedgerow.
3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Mill Wood Local Wildlife Site lies approximately 250m to the west, beyond the A167. No recorded public rights of way are contained within the application site, the closest being Footpath Chilton 23 approximately 75m to the north. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is Windlestone Conservation Area, which is located over 1.6km to the west.

4. The site has been subject to an Agricultural Land Classification survey, and is considered to be Grade 3b.

The Proposal

5. The application comprises a hybrid application, which seeks full planning permission for 92 dwellings, and outline permission for an additional 90 dwellings, resulting in a total of 182 dwellings across the site. With regards to the outline element of the proposal, all matters are reserved for future consideration, other than access which forms part of the detailed application.
6. Access to the site is proposed from the Durham Road, with a tree-lined main access road running west to east through the site. A central corridor of open space will run north to south through the centre of the site, with the SUDS drainage feature at the southern end of this area. The western part of the site (Phase 1) will be developed first, with a detailed layout being provided, showing a mix of housetypes and character areas, with two areas of affordable housing being shown within this phase. Development of the eastern part of the site (Phase 2) is still only in outline form, and therefore any layout is only indicative at this stage, although it is likely to be similar to Phase 1 in terms of product and layout. It is proposed that a large majority of landscaping and public open space will be delivered in association with Phase 1.
7. The application also includes offsite highways works to Durham Road, including the provision of a 1.6m wide public footpath on the eastern side of Durham Road for a length of around 100m, and improved pedestrian access to existing bus stops. Off-site landscaping works are also proposed to the south west of the site in an area of highway verge.
8. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

9. The site has no relevant planning history.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment

section of the report. The following elements of the NPPF are considered relevant to this proposal.

12. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (1996) (SBLP)

21. *Policy E1 – Maintenance of Landscape Character.* 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.
22. *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.
23. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
24. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space or design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
25. *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.
26. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
27. *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 benchmark provision.

28. *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.
29. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
30. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
31. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
32. *Policy D5 – Layout of New 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.
33. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
34. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

35. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Chilton Town Council* – Acknowledge that there have been a number of objections, and advise that their own consultation exercise resulted in 0.6% of registered voters in Chilton, indicating that they do not support the scheme. They also highlight that 15.3% of Chilton residents have signed petitions objecting to the application.
37. *Highway Authority* – No objections are raised, subject to the provision of the proposed off site highways works, improving pedestrian access to Chilton. A satisfactory scheme of mitigation to the A167/A689 Rushyford Roundabout has been proposed and agreed, which will mitigate the impacts of the development upon this junction.
38. *Northumbrian Water* – No objections are raised, subject to the development being carried out in strict accordance with the submitted drainage strategy.
39. *Drainage and Coastal Protection* – Raise no objections to the proposed final stage control basin, however further design details of the surface water management train are required.
40. *The Coal Authority* – No objections. The application site does not fall within the defined Development High Risk Area.

INTERNAL CONSULTEE RESPONSES:

41. *Spatial Policy* – The NPPF seeks to boost significantly the supply of housing, and the delivery of housing (including affordable housing) would count in favour of any scheme, and would be afforded weight in the planning balance (against any harm which any consultees may identify) in light of the current position in respect of the 5-year housing land supply position (which is not considered to be a significant shortfall). The site itself is considered to be well related to the village of Chilton and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters, and other specialist issues can be addressed.
42. *Landscape* – Object, noting that the proposals would have significant landscape and visual effects. Although the landscape is attractive, if unremarkable, the proposed development would change the landscape character from an agricultural field, to an urban landscape that sits within the open countryside.
43. *Landscape (Arboriculture)* – No objections, however it is recommended that the protective fencing is installed, prior to any work materials or vehicles entering the site. It is also recommended that some replacement planting of large species trees are planted as replacements for the ash trees in anticipation of future removal.
44. *Design and Conservation* – No objections are raised. The site contains no designated or known non-designated heritage assets; however there are a number of detailed design issues relating to the indicative layout that would need to be revisited prior to the submission of reserved matters.
45. *School Places and Admissions Manager* – *No objections are raised. The development is likely to produce 44 primary and 15 secondary school pupils. As of September 2017 there will be capacity for an additional 12 pupils at Chilton Primary*

School. Consequently a contribution of £440,160 would be required to provide additional capacity for an additional 32 primary school pupils. There is sufficient secondary school capacity.

46. *Employability* – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.
47. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted geo-environmental appraisal identifies that some potentially agriculturally related contamination is present, and a suitable means of remediation identified. A planning condition is suggested requiring a Phase 4 Verification Report on completion of remediation.
48. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. A planning condition is suggested to secure the provision of acoustic vented windows were identified as being necessary. The nearby chicken farm and further distant sewage farm are unlikely to be significant odour sources due to distance and scale. The farm immediately to the south, may, at times produce odour, but overall, providing conditions are attached in respect of noise mitigation, the potential for statutory nuisance is low, although issues of residential amenity
49. *Ecology* – Raise no objections. Improvements have been made to the on-site mitigation which should allow for connectivity through the site for wildlife and provide some biodiversity delivery; the shortfall in delivery for impacts has been resolved through a financial contribution for off-site biodiversity mitigation/compensation. Overall the development meets the requirements of the NPPF in terms of biodiversity and hence sustainability.
50. *Sustainable Travel* – No objections, although some revisions to the Travel Plan are suggested.
51. *Archaeology* – Raise no objections, considering that the site has very low archaeological potential.
52. *Natural England* – Submitted no comments within their formal consultation response.
53. *Housing Delivery* – *Raise no objections. The 10% affordable housing requirement is proposed by the applicant. A tenure mix of 75% affordable rent and 25% affordable home ownership is advised.*
54. *Access and Public Rights of Way* – Raise no objections noting that no public rights of way are within or abut the site.
55. *Durham Constabulary* – No objections are raised noting that the crime risk assessment for this development is low.

PUBLIC RESPONSES:

56. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 48 letters of objection, as well as two petitions of objection totalling 456 signatures have been received from local residents, including Chilton Residents Association. The matters raised are summarised below.

Objection

Impacts upon Chilton

- In addition to other approved developments, and developments under construction, this proposal would cumulatively lead to the over development of a small, rural town, in a short space of time.
- Loss of community spirit, due to quantity of new developments.
- Existing new developments are either unfinished, or have brought no benefits to Chilton.
- This development will lead to the village becoming elongated, at the expense of the centre.
- Preferable brownfield sites and derelict properties exist.
- Exacerbation of existing pressure on services within Chilton, including medical and educational facilities, as well as shops, and recreation facilities.

Landscape Impacts

- Loss of green belt land.
- Loss of a greenfield site, that has consistently been in agricultural use, and appears to be of good quality.
- Adverse impacts upon the visual beauty of the landscape.
- The rural approach to the village would be lost.

Highways Impacts

- An unacceptable level of traffic within Chilton will result, combined with further strain on parking.
- The level of parking and traffic at the Primary School at key times would become dangerous
- The development would lead to an increase in public transport.
- The increase in development within Chilton renders the recently built bypass pointless.
- Addition to existing pressures at Rushyford roundabout as a result of increase in traffic.
- Concerns over increase in levels of pedestrian traffic through Meadowdale.

Impact upon Biodiversity

- Impact upon wildlife, and particularly, vulnerable species as a result of the loss of an open field, and hedgerows.

Impact upon Residential Amenity

- Concerns with regards to impact upon air quality during construction, and subsequent health concerns.
- Increase in emissions and pollution, exacerbated by loss of greenspace to offset, affecting health and the environment.
- Increase in noise and disturbance
- Loss of light, increase in overshadowing, and loss of privacy to properties on Meadowdale Estate, due to the proximity of proposed dwellings.

Other concerns

- Concerns that the previous assertions of the Head of Planning that this site is unsuitable for development are being reneged upon.

57. *Rt Hon. Phil Wilson MP.* – Objects to the application. Concerns are raised with regards to the compliance of the proposal with a number of issues identified by the Head of Planning in a letter of 2015. It is also noted that there is room for development within the centre of Chilton, which would be preferable. Whilst the need for further housing within the county is acknowledged, there is concern about the ability of the infrastructure of villages to cater with an influx of housing proposals, prompted by the lack of a viable County Plan. Additional concerns relating to coalescence of Ferryhill and Chilton, and also Chilton and Rushyford are raised.

APPLICANTS STATEMENT:

58. The development is considered to be in a sustainable location, situated as it is directly adjacent to residential development on the southern edge of Chilton. As such, the development will represent a logical extension to the settlement of Chilton.
59. The application includes a proposed layout which demonstrates how the site can be delivered for the proposed quantum of residential development. The site will deliver a mix of house types, including 2, 3 and 4 bed houses in an attractive landscaped setting. The development will sit within the existing landscape features and fields within well-defined development parameters that are sympathetic to the character of the surroundings. The housing will be traditional in style and form, responding to the market needs of the local area.
60. With regard to the principle of development, there is a national, regional and local housing shortage that needs to be addressed and, as such, the Government's National Planning Policy Framework (NPPF) identifies a clear growth agenda which is focussed on the need to 'boost significantly' housing supply. In addition, the Council is currently unable to demonstrate a 5 year housing land supply and, as such, it falls for the application to be determined against Paragraph 14 of the NPPF which states that, in the absence of relevant up-to-date Development Plan policies, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted. This is the presumption in favour of sustainable development.
61. The applicant has engaged thoroughly with the Local Planning Authority both through the pre-application process and since submission of the application. The applicant and the County Council have worked proactively and the Council is satisfied that the proposal before them does not create any adverse impacts that would outweigh the benefits of granting consent and represents sustainable development in the context of the NPPF. In addition, the applicant has had regard to the comments submitted by residents through the consultation process and considers that all relevant material planning considerations are suitably addressed in this application.
62. With specific regard to the benefits of the scheme, the proposal presents significant economic and other benefits to the residents of Chilton. The economic benefits of the scheme include:
- The creation of 460 full-time direct and indirect jobs, with direct jobs being offered to the local community by way of a Training and Recruitment Plan to be agreed with the County Council;
 - A contribution of £440,160 towards Primary Education; and

- The generation of approximately £4m in direct Capital Receipt to the Council from Council Tax and New Homes Bonus over the six years of the New Homes Bonus.

63. In addition, the scheme will deliver a number of other benefits including:

- The provision of 18 affordable homes;
- A financial contribution of £33,165 towards the off-site creation of grasslands adjacent to Woodlands and within Woodland Glades, as part of the Council's Woodland Creation initiative;
- A financial contribution of £114,810 towards new/enhanced off-site open space provision; and
- A financial contribution of £104,400 towards the upgrade of Rushyford roundabout junction to enable the delivery of housing in the wider area to meet the Council's ongoing requirement.

64. Avant Homes are firmly committed to delivering homes on this site. Indeed, they have sought to agree as much detail as possible up front in order to avoid as many pre-commencement conditions as possible which could delay a start on site.

65. It is therefore our strong view that planning permission should be granted for this application in order that the Council can deliver this important site and, in doing so, support the wider regeneration of the County, and can deliver the homes that are needed.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

66. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, landscape and visual impact, layout and design, affordable housing, residential amenity; highway safety and access, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

67. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgfield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the

NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

68. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

69. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
70. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
71. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date as outlined below.

Five Year Housing Land Supply

72. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.

73. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
74. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
75. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
76. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

77. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
78. SBLP Policy H8 is considered to be moderately consistent with the NPPF as it seeks to direct housing to the most sustainable settlements that can support it while seeking to protect the open countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection, and it is considered that only reduced weight can be afforded to this Policy in accordance with Paragraph 215 of the NPPF.
79. SBLP Policy H8 identifies the residential framework within which housing development would normally be approved, ostensibly to "balance the need for new housing whilst maintaining the character of the countryside". The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to housing proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it considered that SBLP Policy H8 is not applicable in this instance, and no support for the proposed development is drawn from it.

80. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
81. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
82. Policies for the supply of housing within the SBLP are out-of-date, and in any event, are not relevant to this proposal. Consequently, SBLP policies can be considered to be absent, or silent, with respect to this proposed development. As a result the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

83. The County Durham Settlement Study is an evidence based document which categorises Chilton as a “Smaller Town/Large Village”. These settlements are considered to be localised centres which are generally self-sustaining with key facilities. It is considered likely therefore, that residential development in these settlements would be largely locationally sustainable, subject to specific site constraints.
84. The site lies beyond the settlement boundary identified within the SBLP, on the southern edge of the settlement. Consequently, the site does not lie within the current envelope of Chilton, but has a close relationship with the settlement, and the services within, and as a result of the proposed off-site footway improvements, the development site is considered to be locationally sustainable, with a range of existing services available within Chilton, with the development providing the potential to strengthen and support for these services. It is accepted however, as highlighted by several objectors, that the proposed development would have the potential to alter the character of Chilton to a certain extent. It is also considered however, that it would be difficult to predict the character of such changes, and also whether they would necessarily be adverse.
85. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. From the application site, Chilton Primary School is located a distance of approximately 500m, the doctors surgery is located 500m away, while shops and services within the town centre are around 600m away; all distances that are within the preferred maximum walking distance suggested by The Institution of Highways and Transportation (CIHT) in their document “Providing for Journeys”. For services not available in Chilton itself, bus stops are located adjacent to the site providing links to other settlements including Darlington, Durham, Newton Aycliffe, Ferryhill, and Bishop Auckland, with up to 5 buses per hour available at peak times. A range of transport options would therefore be available for future residents.
86. The Council’s School Places and Admissions Manager advises that there are sufficient secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect, although some mitigation would be required in terms

of primary school capacity. Chilton benefits from a recently rebuilt health centre which operates on a part time basis, indicating that it could increase capacity should demand dictate.

87. Overall, it is considered that Chilton has a reasonable array of services and facilities, largely adequate to serve the development proposed, and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Chilton in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land. Contrary to the assertions of several objectors, the site does not constitute Green Belt land, although it can be considered an extension of the settlement into the countryside.
88. Overall it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and SBLP Policies D1, D2 and D8 which are considered consistent the NPPF in this respect.

Landscape and Visual Impact

89. SBLP Policies E1 and D1 requires that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. This is reflected in Parts 7 and 11 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is therefore considered that full weight can be afforded to SBLP Policies E1 and D1 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the settlement, or is read as an incursion into the open countryside and represents good design.
90. In landscape terms, the site lies in the Tees Plain County Character Area which forms part of the larger *Tees Lowlands* National Character Area (NCA23). It lies in the *Sedgefield, Windlestone & Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type.
91. The site lies on land falling gently southwards towards the Rushyford Beck, and is made up of a single arable field which forms part of wider tract of arable farmland (*Plain farmland: arable* Local Landscape Type). Field boundaries are hedgerows with scattered hedgerow trees. The boundary network dates from early post-medieval enclosures (*Old enclosure* Local Landscape Subtype), with some boundaries having been lost in later field amalgamations. The local landscape is visually open and essentially rural in character with attractive shallow views south and east across open countryside to tree lined or wooded horizons.
92. The northern site boundary is formed by a hedge over which lies housing in Meadowdale. The hedge is of variable character, maintained at a range of heights, with some ornamental species in places. The eastern and southern boundaries are formed by hedges with scattered hedgerow trees. These include young or young mature ash and sycamore in the east and old mature ash towards the south-western corner. The western boundary is formed by a hedgerow over which lies Durham Road. Hedges are in generally good condition with some localised gaps.

93. The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of 'conserve and enhance'. This reflects its value as attractive farmland with a relatively intact old hedgerow network and hedgerow trees.
94. The site is visible in shallow views from the south from sections of the A167 and A689. It is visible at close quarters from Durham Road, and residential properties along it, and from properties on the southern edge of Meadowdale and Lyndhurst Road where it forms part of broad southward views from first floor windows and some ground floors, conservatories and gardens. It is visible in filtered middle-distance views from the Carrsides Lane (PROW Windlestone No.7) but is not generally visible from public vantage points in the wider landscape due to the screening effects of vegetation and topography.
95. The Council's Landscape officers have reviewed the scheme, which has been amended through the consideration process, in response to issues raised. It is advised that the impact of the development upon the character of the site itself would undoubtedly be transformative, and adverse, as would be expected with the development of a greenfield site. Further, the impact upon the character of the local landscape in the immediate vicinity of the site, and particularly in views from the west, is also likely to be substantial at the time of development. Although the site is enclosed by development on two sides (west and north), the rural character of the landscape in eastwards views is considered to be a notable feature of the southern approach to the village, and this would be lost. This impact would, however, be reduced over time by structure planting on the western edge of the site, albeit with the loss of the open view.
96. The proposals would entail an increased degree of coalescence between Chilton and Rushyford. It is accepted that the gap between the settlements has decreased in recent years as a result of the Paddock Close development; however, there is still a sense of open countryside to the north and east of Rushyford Farm. This sense of separation would be essentially lost as there would no longer be a legible gap in views from this area, although this impact would likely lessen over time with the level of structure planting proposed.
97. In middle distance views, such as those from the A167 and the A689, the development would be seen in views where the existing settlement edge is already visible, and the effect on the general character of the landscape would not be substantial. Again, any effects would reduce in time as a result of the proposed landscape mitigation.
98. Overall, the proposals would entail an incursion of built development into attractive open countryside south of Chilton and would entail an increased degree of coalescence between Chilton and Rushyford. There would be some harmful effects on the character of the local landscape, however these would be localised and could be mitigated in time to varying degrees by proposed structure planting. It is considered that, in terms of landscape impact, that the development would not wholly comply with SBLP Policy D1, in that there would be residual landscape harm. However, the landscape is considered to not constitute a "valued landscape" for the purposes of Part 11 of the NPPF, and the NPPF does not seek to otherwise restrict development upon sites that may have an adverse impact upon local landscapes, other than through the Paragraph 14 planning balance assessment.

99. Having regards to this assessment, it should therefore be acknowledged there would be a residual adverse impact as a result of the development, albeit one that will diminish over time, and as outlined above, such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Layout and Design

100. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D4, D5, D9 and E15 in this respect.
101. The application is in hybrid form, with detail only known at this stage for the western part of the site (Phase 1), with the eastern part (Phase 2) remaining in outline form, with only an indicative layout available at this stage. With regards to Phase 1, the applicant has worked with officers to develop and improve the proposed layout and design.
102. The application was considered at the Council's own Design Review, where the proposed layout was assessed against Building for Life 12 design criteria. The proposal was considered to perform reasonably well, although a number of areas of improvement were identified, and the scheme has been amended to take account of these. The layout is now considered to display a clear hierarchy of roads, including shared surfaces and private driveways, and is considered to be legible, and easy to navigate around. The development has been moved northwards, away from the southern boundary of the site, in order to alleviate pressure on the four mature Ash trees that are located on this boundary. This is both in order to ensure that the amenity value of the trees is maintained, but also in acknowledgement that they will, at some point in the future, likely fail, as a result of their present condition.
103. Strong landscape features characterise the western and southern boundaries of the site, in order to mitigate the landscape character impacts identified above, and to the east of Phase 1, a linear park feature is proposed, which it is proposed, would form the separation between Phases 1 and 2, providing amenity open space for both phases, as well as the SUDS drainage feature.
104. In accordance with SBLP Policy D9, a public art feature is also proposed close to the entrance of the site, to provide a sense of arrival, and initial "mood board" designs, proposing a coal industry inspired monolith have been provided by the applicant. These are considered to be an acceptable starting point, and it is suggested that final a final design and location can be secured by means of a planning condition.
105. A mix of housetypes is proposed, enabling character clusters to be established. At key points, following discussion with Design and Conservation Officers, standard housetypes have been improved to prevent the presentation of blank gables at key visual points. Furthermore, an appropriate mix of external material finishes have been proposed, commensurate with the locality.

106. Overall, the design and layout of the proposed development is considered to be acceptable, and in accordance with SBLP Policies D1, D2, D4, D5, D9, and E15 as well as Parts 7 and 11 of the NPPF.

Affordable Housing

107. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst SBLP Policy H19 encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
108. The Council's evidence base for the area suggests that a proportion of affordable housing amounting to 10% would be required on this site, amounting to 19 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 75% affordable rent, and 25% affordable home ownership.
109. The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990, and therefore the proposal is considered to be acceptable in this regards.

Residential Amenity

110. SBLP Policies D1 and D5 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
111. The indicative site layout for the housing element of the proposal demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan. This would be subject to further scrutiny in any reserved matters application in relation to Phase 2, along with ensuring that the development would achieve suitable internal layouts and separation distances.
112. Objections have been raised by local residents regarding the loss of views from existing residential properties. While residents would experience a reduction in outlook, a loss of a view is not a material consideration and cannot be taken in to account in the determination of this application. The layout plan accompanying the application does demonstrate that appropriate separation distances can be achieved between existing and proposed dwellings within Phase 1 such that there would be no significant adverse effects in terms of loss of light or dominance. Such matters would be controlled through a subsequent reserved matters submission for Phase 2.
113. In terms of noise, the application is accompanied by a noise survey which identifies that the site does have a relatively loud noise environment, as a result of the local road network. The report also acknowledges that the chicken farm located to the

south west of the site might also be a source of noise, but is considered to be one that is unlikely to be noticeable, given the level of background traffic noise.

114. The Council's Environmental Health and Consumer Protection Team have considered the submitted report, and advise that it is of sound methodology. The report concludes that the noise environment of the proposed development would adhere to relevant recommended threshold levels, but only where future occupiers keep windows closed. As a result, it is recommended within the report that those plots most likely to experience levels of noise above the recommended limits incorporate a form of acoustic ventilation in place of opening windows, where appropriate. The Council's Environmental Health and Consumer Protection Team advise that this arrangement is likely to reduce the likelihood of statutory nuisance. Additionally it is considered that the level of amenity of available to future occupiers would be acceptable, subject to details of the acoustic ventilation system being agreed.
115. With regards to the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. However, it is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regards to these measures, the application is considered to be in accordance with SBLP Policies D1 and D5 in this regards.
116. Turning to odour, the applicant has considered the likelihood of odour generated by the chicken farm to the south west, and sewage treatment works to the east of the site having an adverse impact upon levels of residential amenity available to future occupiers, and having visited the site, concluded that these operations are unlikely to have a significant impact upon the development.
117. On balance, it is accepted by The Council's Environmental Health and Consumer Protection Team that this is likely to be the case, due to the distance from these operations, the scale of them, and the fact that no complaints have been received previously. It is considered likely that future occupiers would be able to smell the chicken farm from time to time, but not to such a degree that it would constitute statutory nuisance, or indeed result in such poor living conditions, that it would warrant the refusal of planning permission on residential amenity grounds. The application is therefore considered to be in accordance with SBLP Policies D1 and D5 in this regards.
118. With regards to air quality, the application is accompanied by an air quality survey which finds that the impact of the development upon air quality once occupied to not be significant, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), is proposed, and can be secured by means of a planning condition. The Council's Environmental Health and Consumer Protection Team has considered the content of the report and find its methodology and conclusions to be appropriate. The application is therefore considered to be in accordance with SBLP Policies D1 and D5 in this regard.

Public Open Space

119. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2010 is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
120. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
121. Having regards to the proposed layout, it is considered that the development can accommodate appropriate levels of Amenity Open Space, Play Space, and Semi-Natural Greenspace within the development. Indeed, there would actually be an oversupply of these typologies, with around 1.5ha being provided, where there is a requirement for only around 0.95ha.
122. It would not usually be expected to provide Outdoor Sport Space, Parks and Gardens, and Allotment space onsite within a development of this scale. Accordingly, the applicant has agreed to provide financial contributions towards these typologies, with the exception of Parks and Gardens, where the significant oversupply of open space within the site is considered to offset this need to an adequate extent. An assessment of existing provision within Chilton has established that there are existing formal sport and allotment facilities of these types within the settlement, and it is considered most appropriate to secure funding to improve this provision, as opposed to providing new. Accordingly, financial contributions of £48,780 towards improving Outdoor Sport Space, and £65,400 towards improving Allotments within Chilton are proposed to be secured via means of a Section 106 legal agreement.
123. The public open space to be provided within the site would take the form, largely of a central linear park, including footpaths, "naturalistic" play equipment, and a more formal play space. Landscaped areas on the periphery of the site would have a lesser functional role in this regard, forming mainly semi-natural greenspace. It is expected that the large majority of the functional open space for the entire development would be delivered in conjunction with Phase 1.
124. Overall therefore, the application is considered to be in accordance with Policy L2 and paragraph 73 of the NPPF with regards to the provision of public open space.

Highway Safety and Access

125. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that

development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.

126. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
127. The TA establishes that the impact of the development upon the highway network, would, for a large part be acceptable, and not result in an impact such that it could be considered to be "severe". It does however recognise that at present, that the A167/A689 Rushyford Roundabout is operating over capacity, and that the additional traffic generated by this development would further exacerbate existing problems. Furthermore, it is acknowledged that there are several other development proposals currently under consideration, or that have recently received permission that will also have the potential to exacerbate the issues at this junction.
128. With this in mind, the applicant has agreed a mitigation scheme for the roundabout with highways officers, in order to increase capacity. This scheme takes account not only of this particular development, but also others currently under consideration, or already benefitting from permission and may affect this junction, totalling 6 separate developments.
129. Following detailed discussions, a methodology has been devised to apportion contribution towards the proposed mitigation works on the basis of the level of additional traffic generated by each development. In this context, it is expected that this particular development would generate an additional 102 vehicle movements at the roundabout at the AM peak, and 107 at the PM peak, out of a total of 649 AM peak, and 642 PM peak additional movements. This results in this development contributing an average of 16.2% of the additional traffic.
130. With the overall mitigation scheme costing £578,070.74, it is expected that on the basis of a 16.2% contribution, that a sum of £93,647 will be required in order to mitigate the impacts of this development, and that this sum can be secured by a planning obligation secured through S106 of the Town and Country Planning Act 1990.
131. With regards to pedestrian movement, it was identified at an early stage that links to the centre of Chilton were deficient, with no pedestrian footway from the site, northwards along the eastern side of Durham Road. Instead, pedestrians would be forced to cross westwards across the road, and then across the large verge to access the footway on the western side of Durham Road. For pedestrians heading to Chilton Primary School, this would then require a re-crossing of Durham Road further north in order to reach the school. It was considered that this resulted in poor permeability, which impacted upon the locational sustainability of the proposed development, as well as presenting a highway safety concern.
132. In response to these concerns, the applicant has developed a scheme of off-site highway works, comprising the provision of 1.6m wide pedestrian footway on the eastern side of Durham Road running from the site to the termination of the existing footway, as well as improved pedestrian access to bus stops on both sides of Durham Road. It is considered that these measures adequately address the highway

safety concerns, and would enable convenient pedestrian access towards the centre of the Chilton.

133. With regard to the internal layout of Phase 1 of the development, highways officers have indicated that they are satisfied with the road hierarchy, design and level of parking provision, including visitor parking. At this stage, the layout of Phase 2 is only indicative, and not for determination at this point.
134. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary mitigation, and therefore in accordance with SBLP Policy D3 and Part 4 of the NPPF.

Flood Risk and Drainage

135. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
136. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
137. The FRA identifies that site is at low risk of flooding from fluvial, groundwater, sewer and other man-made sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. The Council's Drainage and Coastal Protection Team have considered the content of the FRA, and concur with its conclusions.
138. With regards to how the development would address drainage, the application demonstrates that local geology precludes the disposal of surface water by infiltration will not be viable.
139. As a result, it is proposed to dispose of surface water via connection to Rushyford Beck, which lies 0.2km to the south of the site, discharging at a rate of 26.3l/s, which is reflective of greenfield rates. Surface water attenuation will be provided on site in the form of a SUDS scheme, which will prevent external flooding for 1 in 30 year floods, and prevent buildings flooding up to 1 in 100 flood events.
140. The Council's Drainage and Coastal Protection have indicated that they are satisfied with these proposals, and further that the SUDS structure will be adopted and maintained by the Council, in accordance with the SUDS Adoption Guide 2016, with costs being met through an estate rent charge.
141. It is noted that little detail has been provided at present with regards to the surface water management train, which is how surface water is managed between falling, and reaching the SUDS basin, however it is considered that suitable details can be secured by means of planning condition.
142. With regards to the disposal of foul waters Northumbrian Water raise no objections. A condition can be added in the event of an approval to ensure this.

143. The development is considered acceptable and compliant with Part 10 of the NPPF in this regard.

Ecology

144. The closest site of nature conservation interest is Mill Wood Local Wildlife Site which is located 250m to the west of the application site. SBLP Policy E11 and Part 11 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations (Amendment) 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within hedgerows, or the development being a risk to the protected species are low. Whilst the impact of development on a number of species, particularly bird species, has been raised by local residents as points for concern, the County Ecologist has considered the content of the submitted information and has advised that the methodology and findings are sound.
145. However, the development of a greenfield site would have some adverse impacts upon biodiversity interests more generally, and with regards to the mitigation of the these impacts, the scheme has been improved following a number of issues being raised by the County Ecologist. These changes have included an increase to the size of the public open space, so as to allow it to also operate as a wildlife corridor, the use wildflower seed mixes within grassland areas, the consideration of light spill through the use of lighting cowls and bollard lighting, and the moving of the development northwards away from the southern boundary of the site. Additionally, a Biodiversity Management Plan will be secured by planning condition, as well as a contribution towards offsite biodiversity enhancements within the Chilton electoral division in the form of grassland creation within or adjacent to woodlands, improvements to Mill Wood Local Wildlife Site, and the creation of wildflower meadows. It is expected that these improvements will cost £33,165, and will be secured by means of a planning obligation.
146. Having regard to these proposed mitigation measures, the development is considered to conform to Part 11 of the NPPF in this respect subject to a condition developing the lighting strategy for the site, and securing of a financial contribution towards improving biodiversity within Chilton. Natural England offers no comments on the scheme.

Heritage Impacts

147. The application site does not lie within or is in close proximity of any designated heritage assets. The closest being Windlestone Conservation Area, situated some 1.6km away, and with no visual relationship with the site. Consequently, it is considered that there would be no material impact upon designated heritage assets. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
148. Design and Conservation officers raise no objections to the proposal on this basis noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site.

149. With regards to archaeology, the site has been geophysically surveyed in its entirety, with a subsequent 5% of it being subject to investigative excavation work, based upon the geophysical results. The excavations revealed no archaeological remains of significance, and the County Archaeologist has advised that the content of the submitted information, and the methodology used is sound.
150. Paragraph 135 of the NPPF states that the impact of an application upon the significance of a non-designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with impact upon significance being minimal, the application is considered to be acceptable in this regard, and in accordance with Part 12 of the NPPF.

Other Issues

151. SBLP Policy D8 expects developments to meet any servicing requirements, and contribute towards the offsetting of the costs imposed on the community. The policy is only partially NPPF consistent in that it does not make provision for the potential viability of developments to be taken into account, however the thrust of the policy is considered to be consistent with Paragraph 72 of the NPPF which attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The issue of capacity at local schools has been identified by objectors as being a point of particular concern.
152. With regards to this, the School Places Manager has advised that as of September 2017 there will be capacity for additional 12 pupils at Chilton Primary School, and that the development is likely to generate an additional 44 primary school pupils. This means that an additional 32 school places would be required in order to accommodate the pressure upon school places likely to result from this development.
153. As result, a contribution of £440,160 is requested in order to provide the additional capacity and this would be secured by means of a planning obligation. The School Places Manager advises that there is sufficient existing capacity at local secondary schools in order to accommodate demand from this development.
154. The possibility of the site being contaminated has been addressed by means of the submission of a geo-environmental site appraisal. The appraisal identifies that contamination is present, and a suitable means of remediation identified. Environment, Health and Consumer Protection officers raise no objection to the proposal and should planning permission be granted, request the submission of a verification report in order to secure the completion of remediation through condition. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.
155. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that information pertaining to sustainability and energy is lacking and requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.

156. A number of objectors make reference to a letter issued by the Head of Planning and Assets in 2015, which advised that the Council considered the site, at that time, and on the basis of its Strategic Housing Land Availability Assessment (SHLAA) to be unsuitable for residential development. By means of clarification, the SHLAA assessment referred to in the letter related to a much larger site, of which the area of land subject to this application formed only a part. Furthermore, the conclusions of the SHLAA were without the benefit of a detailed development proposal which could be fully assessed. In this context, it is considered that this letter should not be afforded weight in the decision making process.

Planning Balance

157. As SBLP policies are considered to be absent, or silent, with respect to this proposed development, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

158. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
159. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
160. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. The level of contribution of supply that this development would make is between 1.12 and 1.34 months' worth of supply. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
161. This boost would extend to the delivery of affordable homes as the development proposes the delivery of 10% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be ensured by way of the S106 legal agreement.
162. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

163. The Council's Employability officer request that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

Adverse Impacts

164. The development would result in the loss of around 5ha of agricultural land, however as the submitted Agricultural Land Classification Report concludes that the site is Grade 3b agricultural land, it is considered to not be "best and most versatile", and the weight afforded to this adverse impact is therefore reduced.
165. There would be an adverse landscape impact, with the character of the site being transformed, and there being localised adverse effects upon views across the site, and in the perception of separation of Chilton from Rushyford. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping scheme, although a residual adverse impact would remain.

CONCLUSION

166. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
167. The residential development would draw no support from SBLP Policy H8, however, in this case, the NPPF, a significant material consideration, sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policies, that the presumption in favour of sustainable development is engaged. In the context Paragraph 14, the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
168. The provision of affordable housing in an area where the supply of housing is lacking is a benefit of the scheme along with the provision of 10% affordable properties. This would contribute to the economic and social aspects of sustainability.
169. While there would be some visual impact, particularly in the early years of development, this is considered to be localised and minimised as a result of the mitigation proposed. Subject to mitigation, the development would have an acceptable impact on the wider highway network and provide a safe means of access, while the site is considered to be located in sustainable location in this respect. The scheme would not significantly impact on the residential amenity of surrounding properties, and the development would not give rise to flood risk elsewhere. The development will provide mitigation for pressure on local schools, and it has also been demonstrated that ecological impacts can be adequately mitigated.
170. Having regards to the above, however, it is considered that the adverse impacts that would result from this development would not "significantly or demonstrably" outweigh the benefits, and as a result, the proposed development can be considered to constitute sustainable development for the purposes of Paragraph 14, for which there is a presumption in favour.

171. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards education provision, improvements to biodiversity, offsite open space provision, and highways improvements are all considered to be in accordance with these tests, as is the securing of affordable housing.
172. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

- provision of 10% affordable housing units
- a scheme of targeted recruitment and training for the construction phase
- £440,160 towards the provision of additional capacity at Chilton Primary School
- £104,400 towards highways mitigation works at A167/A689 Rushyford Roundabout
- £114,180 towards the provision of improvements to outdoor sport space and allotments within Chilton Electoral Division,
- £33,165 towards biodiversity improvement projects within Chilton Electoral Division,

and subject to the following conditions:

Time Full

1. The development hereby permitted in "Phase 1" as identified on drawing 'Phasing Plan 1532-1-8 Rev A' 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.

Time Outline

2. No development other than site clearance and remedial works shall take place in Phase 2 as identified on drawing 'Phasing Plan 1532-1-8 Rev A' until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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

No. of Dwellings

3. The development hereby approved on “Phase 2” as identified on shall comprise a maximum of 90 dwellings.

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

Plans

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

SL-01 Rev G – Site Layout
OM-01 Rev E – Outline Masterplan
BT-01 Rev C – Proposed Boundary Treatment and Surface Finishes Plan
Material Schedule Rev A
CHI/APN/001 – Appleton
CHI/ASY/001 – Ashbury
CHI/CRD/001 – Cranford End
CHI/DAN/001/REN– Dalton Option 1 Brick
CHI/DAN/001– Dalton Option 1 with Render
CHI/DAN2/001/REN– Dalton Option 2 Brick
CHI/DAN2/001– Dalton Option 2 with Render
CHI/KIN/001 – Kilmington
CHI/NEN/001 – Newton Brick
CHI/NEN/001/REN – Newton with Render
CHI/NOY/001 – Norbury Brick
CHI/NOY/001/REN – Norbury with Render
CHI/PEY/001– Pendlebury with Render
CHI/PEY/001/REN – Pendlebury with Render
CHI/ROY/001– Rosebury with Render
CHI/PEY/001/REN – Rosebury with Render
Rev A – Landscape Layout Plan
1532-1-7 Rev A – Phasing Plan
Sketch Play Space Mood Board
Signage Mood Board
Sk-001 Rev E – Proposed Access Arrangements

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies E1, E11, E15, H8, H19, T1, L1, L2, L9, D1, D2, D3, D4, D5, D8 and D9 of the Sedgefield Borough Local Plan.

Engineering details of access and highway improvements

5. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan SK-001 Rev E shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented prior to the occupation of the 30th dwelling.

Reason: In the interests of highway safety in accordance with Policy D3 of the Sedgefield Borough Local Plan and part 4 of the NPPF.

Maintenance of highway

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

Reason: In the interests of highway safety in accordance with Policies D3 and D5 of the Sedgefield Borough Local Plan and Part 4 of the NPPF.

Tree Protection

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

Reason: In the interests of the visual amenity of the area having regards to Policy E15 of the Sedgefield Borough Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape implementation and management and right of public accessibility

9. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved, a detailed landscaping scheme in relation to Phase 1, based on the principles set out in the Landscape Layout Plan, Drwg 1532-1-7 Rev B shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

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

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

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

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with

others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 of the Sedgfield Borough Local Plan and Parts 7 and 11 of the NPPF.

10. Notwithstanding the submitted information, prior to the occupation of the 93rd dwelling hereby approved, a detailed landscaping scheme in relation to Phase 2 shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

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

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

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

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 of the Sedgfield Borough Local Plan and Parts 7 and 11 of the NPPF.

Play Area

11. Notwithstanding the submitted information, prior to the occupation of the 5th dwelling, full details of the Children's Play Area and informal play/trim trail areas set out on drawing 1532-1-7 Rev B should be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall include, details of equipment to be installed, surfacing of the areas, boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved play areas shall be fully implemented in accordance with the approved details and timeframes thereafter.

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

Site Levels

12. 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 in Phase 1 as set out on plan drawing Phasing Plan 1532-1-8 Rev A 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 thereafter.

Reason: In the interests of the visual amenity in accordance with Policies E1, D1 and D5 of the Sedgefield Borough Local Plan and parts 7 and 11 of the NPPF.

13. Prior to the commencement of the construction of the 93rd dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in Phase 2 as set out on plan drawing Phasing Plan 1532-1-8 Rev A 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 thereafter.

Reason: In the interests of the visual amenity in accordance with Policies E1, D1 and D5 of the Sedgefield Borough Local Plan and parts 7 and 11 of the NPPF.

Travel Plan

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework

Travel Plan 2

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

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework

Foul and surface water Phase 1

16. Prior to the occupation of the first in dwelling Phase 1 as set out on plan drawing Phasing Plan 1532-1-8 Rev A a detailed scheme for a surface water sustainable drainage system to serve the site, including method of implementation and details of the future management and maintenance will have been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable and thereafter managed and maintained in perpetuity in accordance with the approved scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance parts 10 and 11 of the NPPF.

Foul and surface water Phase 2

17. Prior to the occupation of the first in dwelling Phase 2 as set out on plan drawing Phasing Plan 1532-1-8 Rev A a detailed scheme for a surface water sustainable drainage system to serve the site, including method of implementation and details of the future management and maintenance will have been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable and thereafter managed and maintained in perpetuity in accordance with the approved scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance parts 10 and 11 of the NPPF.

Public Art

18. Notwithstanding the submitted information, prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.

Embed Sustainability phase 1

19. Prior to the commencement of works on the erection of any dwelling in “Phase 1 as set out on plan drawing ED:SL:01 Rev H” a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Part 10 of the National Planning Policy Framework.

Embed Sustainability phase 2

20. Prior to the commencement of works on the erection of any dwelling in “Phase 2 as set out on plan drawing ED:SL:01 Rev H a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Part 10 of the National Planning Policy Framework.

Ecology Mitigation

21. No dwelling shall be occupied until a Biodiversity Management Plan has been submitted to, and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall:

- Cover the following areas of the site as a minimum: boundary hedgerows and green corridors; the north-south green corridor; the SUDs area; street trees; any nest boxes, bat boxes or other similar biodiversity enhancement provided as part of the development.
- Cover legally protected species, species of conservation concern and priority species present or likely to be present on site including (but not limited to): bats, birds, hedgehogs, the veteran hedgerow ash trees on the southern boundary.
- Identify the management to be implemented for each area, for each habitat type within each area, and for each priority species covered.
- Identify the frequency of the management to be implemented (e.g. monthly, annually, etc.)
- Identify the desired outcome of the management to be implemented e.g. the habitat type the management is designed to create or maintain; the breeding population or presence of a species the management is designed to promote or maintain; etc.
- Identify the monitoring that will be undertaken to determine the success of the management being undertaken.
- Set out the criteria against which the success of the management will be assessed e.g. area of habitat present; frequency or distribution of key indicator species present in a habitat area; population numbers present; breeding population present; etc.
- Confirm the parties responsible for implementing the management and monitoring; for any required remedial action if monitoring identifies that this is required; for revising and updating the BMP; etc.

Thereafter, the development shall only be carried out, and occupied in accordance with the approved details.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy E11 of the Sedgefield Borough Local Plan.

Lighting Strategy

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

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy E11 of the Sedgefield Borough Local Plan.

Working Hours

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

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

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

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

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

Noise Mitigation

24. No dwelling shall be occupied until a scheme of traffic noise mitigation has been submitted and approved in writing by the Local Planning Authority. Such a scheme will include the identification of plots where mitigation is necessary, and mitigation that will reduce internal noise levels to acceptable level in accordance with BS8233 and WHO 1999 Guideline Assessment of Daytime and Night-time Noise Levels in Living Rooms and Bedrooms.

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

Construction Methodology

25. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - Details of methods and means of noise reduction
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - Designation, layout and design of construction access and egress points;
 - Details for the provision of directional signage (on and off site);
 - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - Routing agreements for construction traffic.
 - Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

Land contamination

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

Pre-Commencement

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

Completion

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- County Durham Settlement Study 2012
- National Planning Practice Guidance
- Institution of Highways and Transportation (CIHT) document "Providing for Journeys
- Sedgefield Borough Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/16/03397/FPA

Hybrid application, comprising full element of 92 dwellings and outline element for up to further 90 dwellings.

Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW

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Comments

Date February 2017

Scale Not to scale



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03249/FPA
FULL APPLICATION DESCRIPTION:	Hybrid application, full planning permission for the erection of 122 dwellings and outline planning permission (all matters reserved) for up to 115 dwellings
NAME OF APPLICANT:	Avant Homes
ADDRESS:	Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses DL14 0ST
ELECTORAL DIVISION:	West Auckland
CASE OFFICER:	Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

Cockton Hill Conservation Area is located 2km to the west of the site which contains a number of Grade II Listed Buildings. Witton-le-Wear Conservation Area containing the Grade II* Listed building of Witton Tower is located 4.2km to the north west of the site. The Grade I building of Escomb Church is located 1.2km to the north of the site. The remains of the Stockton and Darlington Railway, a scheduled monument lies 1.55km to the east of the site.

The Proposal

4. The development is intended to be developed in two phases, the first phase would provide for 122 dwellings, a new access into the site, open space and a SUDS drainage scheme all for which a detailed planning permission is sought.
5. The dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road which would provide access into phase two. The layout has been designed to provide an active frontage onto Etherley Moor Road, to the public right of way which crosses the site and a proposed amenity area to the south. Corner turning units are proposed to be utilised in key locations thought the site. The dwellings would be constructed from brick with rendered panels and pitched roofs predominately 2 storey in nature. There would be a mix of detached (72), semi-detached (45) and terraced (3) properties, 12 of which would be offered on an affordable basis.
6. The route of the public right of way would be upgraded and landscaped during the first phase of development. A 540sqm informal play area is proposed to be installed next to the western boundary adjacent the route of the public right of way. To the southern portion of the site a 1.6ha amenity area is also proposed, this would take the form of an accessible landscape area with pedestrian and cycle link onto Rockingham Drive. Part of this area of the site would also serve as a detention basin for surface water in extreme flood events. An area of 600sqm of equipped children's play space is also proposed within the landscaped area.
7. The second phase of the development proposes up to 115 dwelling in outline with all matters reserved with the exception of access. An illustrative master plan sets out that the dwelling would be laid out in a series of cul-de-sacs with small areas of open space provided along with north-south pedestrian links. Access to this phase would be taken off two vehicular links from the first phase. 10% of the dwellings would be offered on an affordable basis.
8. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 100 dwellings.

PLANNING HISTORY

9. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 600 dwellings.
10. An outline application for up to 320 residential units with all matters reserved except from access is currently being considered on a parcel of land directly to the south of the application site (ref: DM/16/03395/OUT).

11. An outline application for up to 200 residential units with all matters reserved except from access is currently being considered on a parcel of land directly to the north of the application site (ref: DM/16/04062/OUT).

PLANNING POLICY

NATIONAL POLICY

12. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
13. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
14. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
16. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
17. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
18. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and

recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

LOCAL PLAN POLICY:

Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy ENV1 – Protection of the Countryside.* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
23. *Policy BE23 – Provision of Public Art.* In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.

24. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
25. *Policy H3 – Distribution of Development.* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
26. *Policy H15 – Affordable Housing.* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
27. *Policy H24 – Residential Design Criteria.* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
28. *Policy RL5 – Sport and Recreation Target.* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
29. *Policy T1 – General Policy – Highways.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

RELEVANT EMERGING POLICY:

The County Durham Plan

30. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highways Authority* – Following amendments to the scheme, it is advised that subject to securing the detailed design of the proposed highway improvement works, proposed mitigation and visibility splays, the scheme as a whole is acceptable in highway safety terms. Concerns are raised regarding the sustainability of the site and the distance of residential properties to services and amenities and bus stops and the likely reliance on the private motor car to access services. Following amendments to the scheme, it is advised that proposed highways improvement works including the formation of a ghost island, pedestrian crossing refuge, widening of highway and formation of a bus stop layby would represent an appropriate access into the site and would not adversely impact on highway safety. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled and subject to offsite highway improvement works to alleviate pressures at the junction at Maude Terrace/Greenfields Road, Dilks Street/A688 roundabout and Watling Road/A688 roundabout. The Transport assessment identifies that there would be a residual impact at Woodhouse Lane/Cockton Hill junction resulting in increased queues and delays which could not be mitigated due to constraints on the site and highway layout. However it is advised that the mitigation at other junctions may mitigate some of the alternative routing traffic and therefore would not result in a severe cumulative on the transport network. A contribution of £362,979 has been costed to deliver these improvements which would need to be secured by a S106 agreement.
32. *Drainage and Coastal Protection* – Offer no objections to the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design and subsequent delivery of the scheme.
33. *Northumbrian Water* – Advise that final details for the disposal of foul and surface water should be developed and agreed by condition.
34. *Coal Authority* – Advise a condition to secure further site to detail mitigation measures that will be required in order the site in relation to historic coal mining legacy.

INTERNAL CONSULTEE RESPONSES:

35. *Spatial Policy* – It is advised that the development would not accord with Policy H3 of the WVDLP (the Plan). However, the Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications on the edge of settlements.
36. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing

sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence which, they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.

37. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are no specific policies from the NPPF which indicate the development of this site should be restricted.
38. The site itself is considered to be well related to Bishop Auckland and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters and other specialist issues can be addressed in terms of promoting pedestrian and cycle movements and sustainable patterns of travel. No objections in principle to the scheme are raised.
39. *Landscape* – Advise that the proposals would involve an incursion of built development into open countryside west of Bishop Auckland and there would be some localised harm to the character of the landscape. The visual impact of the development would be largely mitigated in time by the structural landscaping proposed to the western edge of the site and planting along the Coal Burn in the south.
40. *Landscape (Arboriculture)* – Highlight the presence of a number of trees and mature hedgerows. It is recommended that these should be retained and accommodated within the development and a comprehensive tree protection plan developed for approval.
41. *School Places and Admissions Manager* – Advises that a development of 237 houses could generate an additional 71 primary pupils and 24 secondary pupils. Taking into account current surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that the capacity of primary schools in the area would need to be increased to accommodate the additional demand. After undertaking feasibility work, it is advised that this demand could be met through the provision of additional classrooms. The final decision of where increased capacity would be provided would be taken separately by the Education Authority, a contribution of £673,720 is sought to deliver the increased capacity.
42. *Sustainability* – Offers no objections, while highlighting that a second vehicular access would promote sustainable transport opportunities. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
43. *Archaeology* – Advise following onsite trial trenching, informed by a Geophysical Survey of the site that there are no archaeological interests that would be affected by the development. No further mitigation is required.
44. *Housing Delivery* – Advise that the proposed 10% affordable housing would comply with policy requirements and help meet an identified need.

45. *Access & Rights of Way* – Identify that a public right of way crosses the site (Footpath No.10 Bishop Auckland), the maintenance of this footpath and the proposed resurfacing work is welcomed.
46. *Ecology* – Advise that there are no species that are afforded special legal protection under the Conservation of Habitats and Species (Amendment) Regulations 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating a dark corridor for bats along the Coal Burn, and a financial contribution of £43,168 towards the provision of offsite habitat creation in the form of managed grasslands in the local area.
47. *Environmental Health and Consumer Protection (Air Quality)* – Advise that no mitigation measures are required in relation to air quality following completion of the development. However it is advised that dust management plan should be adopted during the construction phase.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that a Phase 1 desk top study and phase 2 site investigation has been submitted in support of the application. Although these are generally considered sound further work is required to address gaps in monitoring, including from gas risk. These works are ongoing and therefore a conditional approach is recommended.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures within the submitted noise assessment reports. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
50. *Design and Conservation* – Officers advise that there are no heritage related issues associated with the development, due to the limited inter visibility between to nearest listed buildings and conservation areas.

EXTERNAL CONSULTEE RESPONSES:

51. *Police Architectural Liaison Officer* – Advise that the crime risk assessment of the proposed development is low, while no issues are raised regarding the proposed layout. It is however identified that areas of play should be well maintained and lit.
52. *Crook and Weardale Ramblers* – Raise objections to the scheme as there is a well-used public footpath, part of a longer path leading to Low and High Etherley, and the proposed development would result in the loss of a local amenity.

PUBLIC RESPONSES:

53. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 48 letters of objection have been received in relation to the development as summarised below:

Principle/Sustainability

- Brownfield sites should be developed first, whilst there is an oversupply of housing in the area.
- The lack of school places in the area is highlighted along with the view that an additional school should be built to accommodate demands.
- Lack of capacity of local doctors.
- The local shops and amenities could not accommodate additional demand.
- There are more sustainable locations and the site does not benefit from good public transport links.
- There is not a demand for new housing and growth rates in Durham are low.
- There are lots of the smaller surrounding villages that are in need of some re-generation.
- There is not sufficient employment for residents.

Landscape/Design

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

Residential Amenity

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

Highways

- The potential increase in traffic generated by the development would have implications on farming operations in the area.
- Concerns over road safety associated with the proposed access and increase in traffic particularly around peak flows.
- The road infrastructure could not cope with increased construction traffic, due to their width and nature. Existing developments such as Kynren and Auckland Castle developments put significant demands on the road network.
- The potential impact on well used public rights of way is highlighted.
- The Transport Assessment has not considered the impact of all junctions.
- The crossroads adjacent to the site regularly experience accidents, contrary to the conclusions of the TA.
- Vehicles regularly exceed the speed limit in the area.
- Footpaths in the area are inadequate while there is not crossing facilities for children to access Escomb School.
- A north south link road should be provided linking to the development site to the development to the south along with a roundabout at Escomb crossroads.

- There is a riding school within close proximity to the development these and other road users are incompatible with increased road traffic.
- Extra traffic could affect blue light emergency vehicles ability to respond to emergencies.
- There are already significant traffic pressures at the local school during peak times.
- The development would put further pressure on the already congested Tindle Crescent.

Other

- The development would result in the loss of wildlife habitat and green space.
 - Concern on the bat and barn owl population of the area while there is potential for newts to be present.
 - Drainage ditches are present along site boundaries which should be maintained, concerns are raised relating to increase flood risk.
 - A crime prevention report has not been submitted.
 - Lack of bungalows and older persons housing.
 - Concerns are raised regarding increased flooding in the area as natural drainage will be destroyed.
 - Loss in value of residential properties.
 - Lack of playgrounds / outdoor areas for children.
 - The site is valuable agricultural land.
 - Capacity of the sewerage system.
54. *Durham Bird Club* identify that the site is not listed as being of major interest for bird enthusiasts. However, it is identified that there is a number of species of county interest because including the Green Woodpecker. Full consideration should be given to mitigation and, if appropriate, compensation. Ground nesting bird species would be displaced as a result of the proposed developments, consideration should be given to attracting other species in lieu of those likely to be lost to ensure that biodiversity is retained in line with the NPPF.
55. A letter of objection has been received from *CPRE (Campaign to Protect Rural England)* setting out that the application in conjunction with others proposed in the area represents excessive housing development in the Bishop Auckland area. It is highlighted that the Wear Valley District Local Plan (WVLP) remains the appropriate development plan until the refreshed Durham Plan is adopted. In line with case law it is considered Policies ENV1 and H3 in the WVLP are policies that are relevant to housing supply under Paragraph 49 of the NPPF and are out of date but it is not correct to say that they carry no weight.

APPLICANTS STATEMENT:

56. The development is considered to be in a sustainable location, situated as it is directly adjacent to residential development on the western edge of Bishop Auckland. As such, the site is considered to represent a logical extension to Bishop Auckland. The site, along with land to the south of the Coal Burn that is subject to a current separate outline planning application, forms part of a wider masterplan area that was a proposed strategic housing allocation under Policy H11 (Other Strategic Housing Sites) of the now withdrawn County Durham Plan (CDP). While it is recognised that the draft allocation of the site within the withdrawn CDP can carry no material weight in the consideration of this application, the fact that the masterplan site was considered suitable for allocation in the first instance demonstrates that the

County Council considers it to be an entirely suitable and appropriate location for residential development.

57. The Government's National Planning Policy Framework (NPPF) identifies a clear growth agenda which is focussed on the need to 'boost significantly' housing supply. In addition, the Council is currently unable to demonstrate a 5 year housing land supply and, as such, it falls for the application to be determined against paragraph 14 of the NPPF which states that, in the absence of relevant up-to-date Development Plan policies, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.
58. The applicant has engaged thoroughly with the Local Planning Authority both through the pre-application process and since submission of the application and the Council is satisfied that the proposal before them does not create any adverse impacts that would outweigh the benefits of granting consent, and represents sustainable development in the context of the NPPF. In addition, the applicant has sought to address, where possible, issues raised by local residents.
59. With specific regard to the benefits of the scheme, the proposal will deliver significant economic and other benefits to the residents of Bishop Auckland. In economic terms, the development will create approximately 600 full-time direct and indirect jobs, contribute £673,000 towards Primary Education across the whole catchment area; and, generate approximately £4.8m in direct Capital Receipt to the Council from Council Tax and New Homes Bonus over the six years of the New Homes Bonus. In addition, the scheme will deliver further benefits that will be secured through the signature of a Section 106 Agreement.
60. Avant Homes are firmly committed to delivering homes on this site. Indeed, they have sought to agree as much detail up front, in order to avoid as many pre-commencement conditions as possible which could delay a start on site. It is, therefore, our firm view that planning permission should be granted for this application in order that the Council can deliver this important site and, in doing so, support the wider regeneration of the County, and deliver the homes that are needed.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, ecology, residential amenity, flood risk and drainage, ground conditions, heritage impacts, other matters and planning obligations.

The Principle of Development

The Development Plan

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
65. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
66. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the WVDLP are out-of-date as outlined below.

Five Year Housing Land Supply

67. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
68. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
69. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
70. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
71. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

72. Given the age of the WVDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.

73. WVDLP Policy H3 sets out that new development should be located to the towns and villages best able to support it setting out limits of development. The development conflicts with this saved policy. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole.
74. WVDLP Policy H3 is accompanied by WVDLP Policy ENV1 which relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would conflict with this policy. This Policy is considered only partially compliant with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved policy
75. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
76. The development of the site for housing would, in principle, be contrary to WVDLP policies. However, WVDLP policies for the supply of housing are out of date and development within the countryside policies are not fully NPPF compliant. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

77. The County Durham Settlement Study 2012 is an evidence based document which categorises Bishop Auckland as a Main Town with a wide range of services and amenities such as primary and secondary schools, several GP's and Health Centres community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Bishop Auckland was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of 237 dwellings is considered to be proportionate role of the town within the settlement hierarchy and the level of services provided.
78. NPPF Paragraph 61 sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of Etherley Dene and wider development of Bishop Auckland by reinforcing pedestrian connections along the eastern boundary and to the north to the nearest Primary School. Footpath improvements and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
79. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms

of vehicular traffic. The Institution of Highways and Transportation (CIHT), in their document “Providing for Journeys” suggest the following walking distances to services:

	<i>Town Centre</i>	<i>Commuting/School/Sightseeing</i>	<i>Elsewhere</i>
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

80. It is recognised that the site is located on the edge of Bishop Auckland representing a greenfield extension, however a distance of 2300m is evident to the town centre, 2000m to Tindale Crescent retail and employment sites. A distance of 1300m is evident to the nearest secondary school and 650m to the nearest primary school. The nearest GP is located 2300m away while Bishop Auckland Hospital is located 2000m away.
81. When considering these figures, it is noted that the majority of distances are either within ‘Preferred Maximum’ or ‘beyond Preferred Maximum’, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However it is recognised that Bishop Auckland is one of the largest settlements within the County with the joint highest sustainability score (with Durham City) as set out in the Council’s Settlement Study 2012. This is in recognition of the wider range of services and amenities, employment opportunities and transport linking including a town centre train station. It is also recognised that a greenfield extension to any settlement, particularly a larger settlement like Bishop Auckland, would inherently be located further way from a centre and would lie beyond the preferred distances set out above. The walking routes are also on adopted well-lit highways with no significant topographical restrictions.
82. In terms of cycle access, the site does perform better, with services in the town centre within a 5 minute cycle ride. Bus stops are located on the east and westbound Etherley Moor Road a maximum of 350m walk for future residents. This would give access to the town centre and connections beyond. A range of transport options would therefore be available for future residents.
83. Overall it is considered the improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and Policies GDP1 and H24 of the WVDLP which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF.

Landscape and Visual Impact

84. WVDLP Policy GDP1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments would not have a detrimental impact on the landscape quality of the surrounding area. This policy is considered compliant with the NPPF in recognising the intrinsic character and beauty of the countryside and seeking to protect valued landscapes. Full weight can therefore be given to this policy in the decision making process in this respect. As highlighted above WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals for agricultural or compatible uses as permitted by Local Plan policies. This Policy is considered only partially compliant with the NPPF which

takes a more permissible attitude towards a wider range of development types in the countryside and therefore can only be afforded moderate weight. WVDLP Policy H3 is considered dual purpose, although relating to housing supply and as above considered out of date in this respect, it seeks to protect surrounding landscapes and to ensure that the environmental capacity of the area can accommodate new development. These objectives are considered consistent with the NPPF, while recognising that the NPPF promotes a more flexible approach to site selection, in this respect moderate weight can be afforded to the policy.

85. The application site lies on the high land between the Wear and Gaunless valleys on sloping ground falling south from the ridge to the shallow valley of the Coal Burn. The site is made up of open farmland in two fields, a smaller pasture in the north and larger arable field in the south. The two fields are divided by an old hedgerow which follows an historic township boundary, and also the route of the public right of way. The site is bounded to the west by an old hedgerow following an historic township boundary along Wigdan Walls Road, and to the north by a 19th Century hedgerow following Etherley Lane. Beyond the site to the north and west lies open pastoral farmland. It is bounded to the south by the tree lined watercourse of the Coal Burn over which rises open arable farmland of a similar character. It is bounded to the east by an existing housing development.
86. The site does not lie in an area covered by any national or local landscape designations; however land further north of Etherley Lane lies in an area identified in the WVDLP as an Area of High Landscape Value (AHLV). Landscape officers identify that the site is generally visible from the Coal Burn Valley within around 1 mile of the site and in relatively shallow views from the north and west and slightly deeper views from the south, the latter in close visual association with the existing settlement edge. It is advised that the site is visible in shallow views at greater distances (2-5km) from higher ground to the north and east where it forms a small part of visually complex panoramic views, including the built form of Bishop Auckland.
87. Landscape officers advise that the effect of the development on the character of the site itself would be transformative and adverse, but this is always the case for development of this nature on green field sites. In respect of the impact on the local landscape character (the Coal Burn Valley within around 1.5km) it is advised that this impact would be of a medium magnitude taken in the round. In deeper views such as those from the higher parts of Wigdan Walls Road the existing settlement edge is prominent and while the further encroachment of built form would be noticeable the general character of the view would remain similar. Built form would remain relatively prominent in some of these views, above and through vegetation along the Coal Burn. However, it is advised that reinforcing the existing tree line would help mitigate this. In shallow views from the north and west the development would bring the settlement edge closer to the viewer however it is advised that the built form could be readily assimilated in these shallow views by structure planting in the medium term with trees of an appropriate scale. In views from Etherley Lane passing the site the effects of development would be to extend the urban character of the settlement into open countryside. The frontage would have an urban character with the road widening measures and site entrance being notable features. Buildings would be visible from the road, though set back behind a hedge, giving an appropriately transitional 'edge of settlement' character. The effect on the character of the landscape here would be higher but localised. It is advised that the impact on the wider landscape quality of the AHLV would be minimal.

88. WVDLP Policies GD1, ENV1 and H3 collectively seek to protect and enhance the countryside, while ensuring that the environmental capacity of the area can accommodate new development. As a result of the development an extension beyond the established settlement edge would occur, contrary to local plan policies. However, this visual impact is relatively localised while views of the site would largely be set against the backdrop of existing housing development. The proposed Landscaping Strategy subject to a detailed design and minor modifications would help mitigate this impact. On the advice of Landscape Officers it is considered that overall the development would amount to landscape harm and therefore this impact needs to be considered within the wider planning balance.

Layout and Design

89. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. These Policies are considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to these policies in this respect in the decision making process.
90. Furthermore NPPF Paragraph 58 sets out that decisions should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be resisted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
91. It is recognised that a proportion of the application is in outline form, with details regarding the layout and design remaining reserved. However, full details of 122 dwellings, means of access and landscaping have been provided.
92. In considering the amended scheme against the above policy criteria, recognising the opportunities and constraints of the site, on the advice of the Design and Conservation officers it is considered that overall the development would relate well to the surrounding built environment providing a low density attractive active frontage onto the northern boundary of the site and the highway of Etherley Lane. Moving through the development active frontages and corner turner units have been utilised to maintain an attractive street scene. The proposed house types are considered appropriate to the area, which does not exhibit a strong local vernacular, and are considered high quality in terms of design. The highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development.
93. The route of Footpath No 10 is maintained and enhanced providing a resurfaced path set amongst a landscaped buffer to retain a rural feel, although recognising that it would change its current character. However, direct and improved connectivity for

future to existing residential areas and established footpath links. Access and Rights of Way Section welcome the proposed upgrading of the surfacing and advise that this should continue back to the adopted highway. A condition to secure this is recommended. To the southern portion of the site a large amenity area including a SUDS's retention basin, formal and informal play area and connectivity onto Rockingham Drive via an adopted highway are proposed. This area would represent a positive piece of green infrastructure and public realm which could be utilised by existing residents (to be secured by condition). Footpath links would also be provided to the land to the south, should planning permission be granted for that site. Minor design modifications are required to the hard and soft landscaping strategy to improve the appearance of the layout, including the introduction of shared surfaces and the provision of planting down the main distributor road. It is considered appropriate to agree these finer details by condition.

94. WVDLP Policy BE23 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the WVDLP Policy. The Policy is considered partially consistent with the NPPF, and can be afforded weight. The applicant has committed to the provision of art on the site to be secured by condition, and to either be delivered at the site entrance or within the public open space.
95. Overall, it is considered that the scheme would deliver a high quality and visually attractive development that would contribute to the quality of the surrounding area. It is also considered that the scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself with the existing settlement, in accordance with WVDLP Policies GP1 and H24 Paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

96. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF in this respect (and therefore afforded full weight) which also sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
97. The development would be served by a single vehicular access taken off the adopted highway Etherley Lane leading to a series of cul-de-sacs and private shared drives. An existing field access would serve as an emergency access to the site. In order to facilitate the new access the existing highway would be re aligned slightly to provide a protected right turn, a pedestrian refuge island and new 1.8m wide footways. The existing bus stop would be reconfigured, providing a lay by and new pedestrian footway. The Highway Authority advises that these improvement works would result in the development being served by an appropriate means of access that would protect the highway safety of other road users. Conditions are recommended to secure the implementation of these works before the occupation of the 30th dwelling to ensure connectivity. Internal to the site, it is advised that the

highway layout is acceptable and could accommodate relevant service vehicles and that sufficient in-curtilage parking to meet parking standards is provided.

98. Objections have been raised by local residents regarding the capacity of the local highway network to accommodate the development and others proposed in the area, while it is highlighted that a number of junctions in the area experience significant queuing. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area and mitigation is proposed to bring the junction of Maude Terrace/Greenfields Road, Dilks Street/A688 roundabout and Watling Road/A688 roundabout. The mitigation is in the form of road widening along and layout changes with traffic light reconfigurations at Maude Terrace/Greenfields Road.
99. The Transport assessment identifies that there would be a residual impact at Woodhouse Lane/Cockton Hill junction which currently experiences queues and delays and the addition of development traffic will worsen the situation. The Highway Authority have considered a number of ways to improve the junction, however, no mitigation has been identified that could remove the queues and delays. The likely effects of the development trip demand is that queues and delays would increase which in turn could result in drivers seeking alternative routes or spreading travel times outside the peak hours. Proposed mitigation at Tindale Crescent and the A688 may mitigate some of the alternative routing traffic. Due to this likely rerouting of traffic it is advised that severe cumulative impact on the transport network would not likely arise. A figure of £362,979 has been costed to deliver these off site highway improvements which would need to be secured by a S106 agreement which the applicant has agreed to enter into. It is also recommended that a condition to secure the implementation of an appropriate travel plan for the site, to encourage alternative forms of transport is recommended to be secured by condition.
100. The objections of local residents regarding the proposed access arrangements, current road conditions and cumulative impact on the highway network are noted. However, as above, after scrutinising the planning application the Highway Authority conclude that providing the improvements and mitigation are implemented there would not be detriment to highway safety and the development would not result in severe cumulative impacts. It is also further advised that mitigation work (in the form of a roundabout) would not be required at the Etherley Moor/Wigdan Walls Road junction. It is considered that this junction would operate within safety parameters, while the proposed highway improvements around the site entrance would assist in reducing vehicle speeds which include providing a safe crossing and a clearer marker to the edge of the settlement and the start of the 30 mph zone.
101. Overall, on the advice of the Highway Authority, a satisfactory means of access would be created, while the development would have some impact on the wider highway network, likely increasing waiting times at Woodhouse Lane/Cockton Hill junction, this is not considered to be at a severe level that would warrant refusal of the application, subject to the implementation of the mitigation proposed. The scheme is considered the accord with WVDLP Policies GD1, H24 and T1 in this respect and Part 4 of the NPPF.

Ecology

102. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The closest site of nature conservation is located 2.8km to the south east of Witton-le-Wear SSSI and 740m from Escombe Pasture Local Wildlife Site. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations (Amendment) 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating a dark corridor for bats along the Coal Burn, and a financial contribution of £43,168 towards the provision of offsite habitat creation in the form of managed grasslands in the local area. This would be secured by way of a planning obligation.
103. Given the lack of impact on biodiversity interests on the site, along with the proposed mitigation Ecology officers advise that the proposed, the development is considered to conform to Part 11 of the NPPF in this respect subject to a condition developing the lighting strategy for the site and securing the off-site contribution through a S106 agreement.

Residential Amenity

104. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst NPPF Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
105. The detailed site layout of phase 1 demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings can be achieved as advocated in the WVDLP. This is with the exception of plot no.121 where the gable elevation would be located approximately 5.1m from the side elevation of the existing detached bungalow of Rimrock. This elevation contains a habitable room window, however this is a secondary window, with principal windows on the front and rear elevation of this property. Although the development would reduce the outlook from this window, it is considered that it would not reduce the occupiers' residential amenity to a level that would warrant refusal of the application. In addition, consideration also needs to be given to the impact of a 2m high boundary fence which could be erected under permitted development around the site, in lieu of a 1.2m high boundary fence.
106. Overall, it is considered that there would be an appropriate relationship to neighbouring and future residents, in terms of overlooking, privacy and outlook. Further scrutiny of this matter would be given to a reserved matters application for the outline element of the scheme.

107. The development would increase the comings and goings of vehicles, and to a lesser degree pedestrian which would have an impact on the amenity of existing residents. However, such impacts are considered to not be so significant as to would warrant refusal of the application.
108. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts.
109. The development would be located in proximity of a number of noise sources, including the surrounding highway network and existing commercial garage on Etherley Moor Road. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties along Wigdan Walls Road would ensure that residential amenity would be protected. Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to implementation adequate levels of residential amenity would be achieved.
110. Overall, the scheme would comply with WVDLP Policies GDP1 and H24 and Part 11 of the NPPF and would have an appropriate relationship with existing developments and achieve a satisfactory separation distance internal and external to the scheme.

Flooding Risk and Drainage

111. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
112. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin to capture surface water in 1 and 100 year flood events to discharge to Coal Burn at greenfield run-off rates. The scheme also proposes the implementation of drainage channels and porous paving, which would help restrict runoff to greenfield rates before being discharged to a water course. Subject to securing the finer detail of this approach, the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.
113. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections, subject to detailing the design of the layout.
114. Subject to conditions to resolve the final surface and foul water disposal, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

115. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advise that underground coal mining has taken place underneath the site at shallow depth, along with the identification of a mine entries in the north west portion of the site and adjacent to the north eastern boundary, potential unrecorded mine workings. The applicant has detailed in principle how these mine entries would be treat and capped while large areas of the site would be grouted to stabilise the land. The Coal Authority raises no objections to this strategy further to controlling the finer detail of the work by condition
116. In relation to land contamination the applicant has submitted a phase 1 desk top study, undertaken site investigations and gas monitoring which identifies that there is a low risk of contaminants being present on site. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the further monitoring and assessment is required, particularly in relation to gas modelling, it is recommended that this is agreed by condition.

Heritage Impacts

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

Other matters

119. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The agricultural land is classified as Grade 3b, falling below the definition of best and most versatile which the NPPF seeks to protect. The loss of this land for agriculture is therefore not considered to be a negative impact.

120. The applicant has submitted an Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. Environmental Health and Consumer Protection officers advise that no mitigation measures are required in relation to air quality following completion of the development. However, it is advised that dust management plan should be adopted during the construction phase in order to comply with Part 11 of the NPPF.
121. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that on balance whilst a secondary vehicular access point would be desirable on the whole the development is considered sustainable however it is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. However, this would be achieved through the building regulations.
122. No response has been received from the NHS regarding potential capacity issues within the Bishop Auckland Area. It is however, noted that there are a number of GP surgeries that could serve the development whilst there is also a walk in centre.

Planning Obligations

123. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. In this respect the Council's Education officer highlights that a development of 237 dwellings would be expected to generate 74 primary and 25 secondary pupils. Although there is a degree of capacity within primary schools within Bishop Auckland that are accessible to the site via a 2 mile safe walking route, when taking into account of other developments proposed within the area the capacity of primary schools would need to be increased to accommodate the additional demand. The Council has undertaken a feasibility study of 6 existing schools within 2 miles of the application site. This study involved an assessment whether relevant schools could be extended to accommodate additional demand generated by proposed developments in the area. The feasibility work concludes that the demand could be met through the extensions of a combination of Escomb Primary School, St Anne's Primary School and Woodhouse Primary School. The Education Authority would make the final decision on how and where the increased capacity would be provided. A contribution of £673,720 is offered by the developer by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990. This contribution would be in line with the Council's adopted policy on securing developer contributions in relation towards education provision.
124. WVDLP Policy H15 in accordance with Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. It is indicated that the development would provide a total of 25 dwellings, 12 in the first phase and 13 in the second phase (dependent on the total number of units brought forward in phase 2). The affordable units in the first phase would take the form of 2 bed semi-detached and terraced properties, with the tenure to be agreed and secured through a

planning obligation. It is likely that a 25/75 % mix of discounted market value and socially rented units would be provided.

125. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
126. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
127. In this instance the site layout indicates that 1.6ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. A separate area of 600sqm equipped child/youth play space is also proposed within the site. This provision, along with other incidental areas meets the identified OSNA targets for different open space and recreation typologies. This is with the exception of the provision of the allotment typology. Within the Bishop Auckland and West Auckland area there is an under provision of allotments, however, this under provision is considered to be outweighed in this instance by the quality of green infrastructure proposed, equipped play and commitment to provide further informal play space within phase 2. No off site contribution is therefore required to mitigate the development's impact as the scheme overall would provide an enhanced amenity resource in the local area.
128. The Council's Employability officer request that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

Planning Balance

129. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

130. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
131. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply, it is considered reasonable to suppose that any

shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.

132. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
133. The development would provide a range of house types including up to 25 affordable housing units which would meet an identified short fall within the County.
134. The scheme would provide for an attractive public realm including child play space that would be accessible for local residents.
135. The applicant has also stated that in accordance with the request from the Employability Team that this requirement would be included in the proposed planning obligation to secure targeted recruitment and training/local labour requirements.

Adverse Impacts

136. The development would result in the loss of around 10.7 ha of agricultural land, however as the submitted Agricultural Land Classification Report concludes that the site is Grade 3b agricultural land, it is not considered to be “best and most versatile”, and the weight afforded to this adverse impact is therefore reduced.
137. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.

CONCLUSION

138. The development would conflict with WVDLP Policies H3 and ENV1. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the Council’s housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
139. It is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. However, this impact is not considered to be adverse, to the nature of the site, mitigation planting proposed and limited visibility in the wider landscape. For the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council’s housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the WVLP statutory presumption against development of this site.

140. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards education capacity, highway mitigation works, off site habitat creation, provision of affordable housing, commitment of targeted recruitment and training and recruitment policy and creating pedestrian links to the south are considered necessary for the development to be considered acceptable and therefore meet the relevant tests.
141. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

- 12 Affordable Housing units in Phase1,
- 10% Affordable Housing units in Phase 2,
- £362,979 for offsite highway mitigation works,
- £673,720 education contribution,
- £43,168 for offsite habitat creation,
- Securing pedestrian links over Coal burn.
- Provision of a targeted recruitment and training/local labour scheme

and subject to the following conditions:

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

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

2. No development other than site clearance and remedial works shall take place in Phase 2 as identified on drawing ED:SL:01 Rev H until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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

3. The development hereby approved on “Phase 2” as identified on drawing ED:SL:01 Rev H shall comprise a maximum of 115 dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary

welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policies GD1 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

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

The landscape scheme shall include the following:

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

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

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

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

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

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policy RL5 of the Wear Valley District Local Plan and Policy 73 of the NPPF.

13. Notwithstanding the submitted information a minimum of 500sqm of open space/play space shall be provided in "Phase 2" as identified on drawing ED:SL:01 Rev H .

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policy RL5 of the Wear Valley District Local Plan and Policy 73 of the NPPF.

14. 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 in Phase 1 as set out on plan drawing ED:SL:01 Rev H 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 thereafter.

Reason: In the interests of the visual and residential amenity in accordance with Policies GD1 and H24 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF.

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

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

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

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

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

The submitted scheme should be based upon the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping

- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

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

The submitted scheme should be based upon the “Surface Water Principles” contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

- The agreed scheme should include but not necessarily be restricted to the following;
- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
 - ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

19. Notwithstanding the submitted information, prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be implemented in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE23 of the Wear Valley District Local Plan and Part 7 of the NPPF.

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

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

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

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

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

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

23. No development of any phase shall commence until a Construction Management Plan for that phase has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

The timing of construction works

Parking of vehicles of site operatives and visitors

Loading and unloading of plant and materials

Storage of plant and materials used in constructing the development

Measures to control the emission of dust and dirt during construction

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

24. Prior to the commencement of development of "Phase 1" as set out on plan drawing ED:SL:01 Rev H a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-

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

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

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

25. Prior to the commencement of development of “Phase 2” as set out on plan drawing ED:SL:01 Rev H a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
 - The undertaking of that scheme of further intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated ‘no-build zone’ for the recorded mine entry which may be required and a time frame implementation of those remedial works.

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

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

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

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

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

Pre-Commencement

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

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then

remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

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

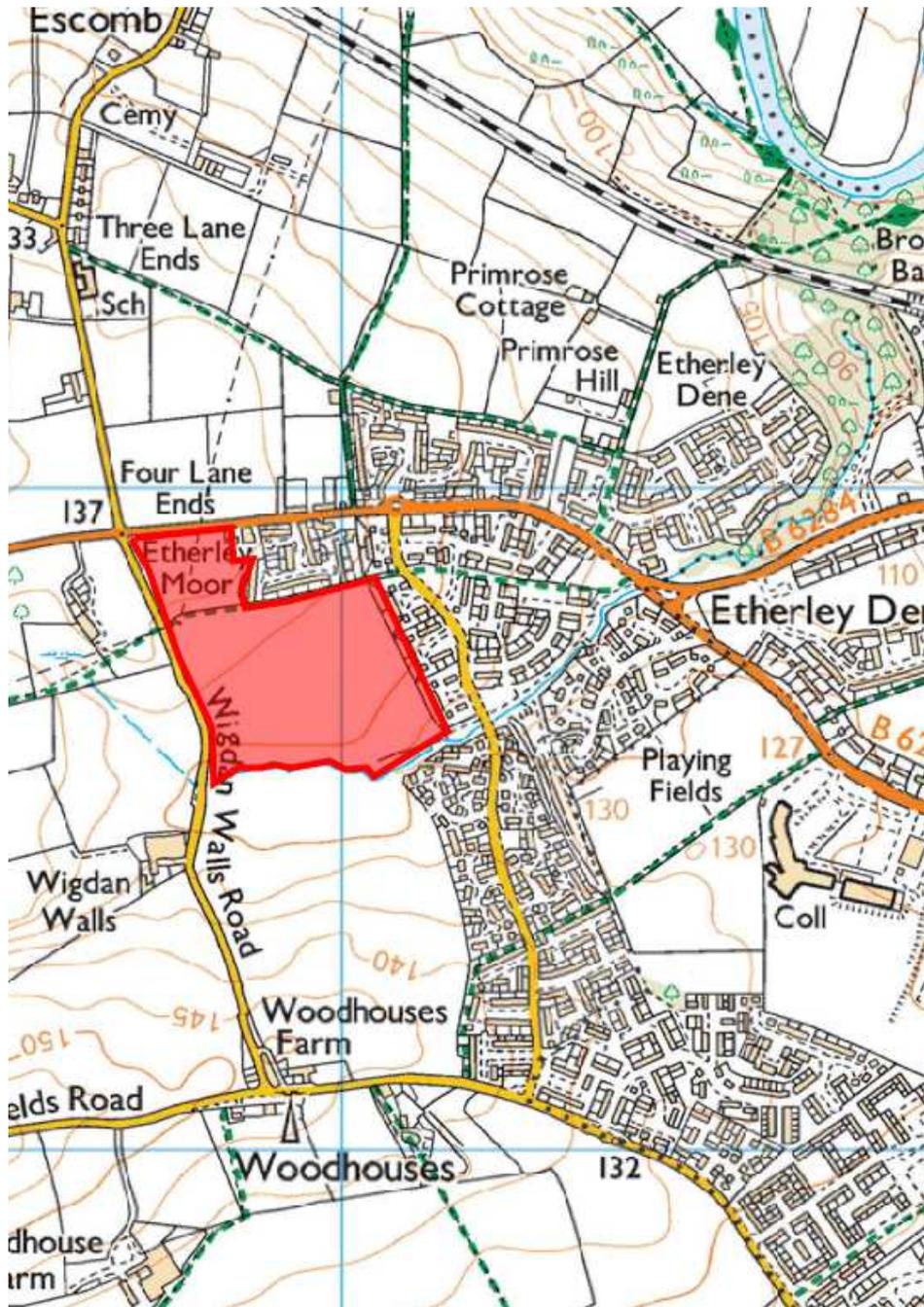
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

DM/16/03249/FPA
 Hybrid application, full planning permission for the erection of 122 dwellings and outline planning permission (all matters reserved) for up to 115 dwellings, Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses, DL14 0ST

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Comments

Date February 2017

Scale Not to scale



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02709/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the erection of up to 430 dwellings (all matters reserved except access) and landscaping and engineering works
NAME OF APPLICANT:	Willmott Partnership Homes
ADDRESS:	Land Adjoining Woodham Bridge Cobblers Hall Road Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
CASE OFFICER:	Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a roughly triangular shaped parcel of land measuring 20.29ha in an area located to the north west of Newton Aycliffe and the South West of Woodham Village. The site comprises greenfield land in an agricultural use, with lines of mature trees and hedgerows on site defining field boundaries and forming the eastern boundary of the site beyond which lies the A167 and to the western boundary adjacent to Woodham Burn. An approximate 10m, level change is evident across the site falling in a westerly direction. The site is designated as a Green Wedge in the Sedgfield Brough Local Plan.
2. The eastern boundary of the site is bounded to the A167, and where an existing field access is present. Woodham Burn separates the site to the existing residential development of Woodham Village. To the south of the site allotment gardens and playing fields utilised by Woodham Academy are located.
3. The site is located 3.5km to the east of Middridge Quarry SSSI and 1.2km east of the Moor Nature Reserve. The Grade II Listed buildings of Fir Tree Grange are located 600m to the north of the site. Aycliffe Village Conservation Area, containing a number of listed buildings, is located 3.2km to the south of the site. Part of the application site that borders Woodham Burn is within flood zones 2 and 3. Footpath No. 31 (Great Aycliffe) is located to the west of the application site.

The Proposals

4. Outline planning permission, including the means of access, is sought for the erection of up to 430 dwellings. The indicative site layout shows that the development could be laid out around a series of cul-de-sacs, with areas of open space and landscaping provided to the east alongside the A167 and centrally through the site. To the west and within Flood Zones 2 and 3 areas of open space and landscaping, described as an ecology park, are proposed which would provide a pedestrian Link to Woodham Village. An additional pedestrian link is proposed to the south west of the site linking to a public right of way (Footpath No. 31 Sedgefield).
5. A new site entrance on to the A167 is proposed in the south east corner of the site in the form of a signalised junction creating laybys for new bus stops.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 200 dwellings.

PLANNING HISTORY

7. An outline application including means of access for a leisure development comprising a riding school, golf driving range and fitness centre was allowed on appeal in 2001.
8. A reserved matters application for the access, landscape, siting and appearance of buildings for a riding school, golf driving range and leisure development was approved in March 2005. This permission has expired as it has not been implemented.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

11. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

20. *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.
21. *Policy E4 - Green Wedges.* Sets out that proposals for built development will normally be refused in the Green Wedges of Newton Aycliffe which contribute to the setting of the town.
22. *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.
23. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
24. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space and design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
25. *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.

26. *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 benchmark provision.
27. *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.
28. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside.* Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
29. *Policy D1 – General Principles for the layout and design of new developments.* Sets out that all new development and redevelopment within the Borough should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
30. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
31. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
32. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
33. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
34. *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.
35. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
36. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

37. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

Neighbourhood Plan

38. The Great Aycliffe Town Council has reached the later stages in the development of the Great Aycliffe Neighbourhood Plan (GANP). At this stage the GANP has undergone two statutory consultations and has been subject of an independent examination. The GANP will be subject to a referendum in mid-2017. If supported by a majority at the referendum stage the local planning authority will 'make' the GANP cannot be regarded as forming part of the development plan. This reduces the amount of weight that should be attributed to it. Notwithstanding this partial status, it is now a material consideration in respect to development proposals falling within its geographic extent, which includes this site. The following policies are considered relevant to this proposal:-
39. *Policy GANP CH1 (Landscape Character and Townscape)* – Sets out that developments must respect the landscape character of the Parish and its settlements as defined in the Great Aycliffe Heritage and Character Assessment and incorporate features which contribute to the conservation, enhancement or restoration of local features. New development should where appropriate maintain the existing hedgerows trees and woodland, accommodate and provide tree lines avenues and ensure open space is provide within the development to maintain the Beveride vision for the town.
40. *Policy GANP E1 (Green Corridors)* – Sets out that the continuation and enhancement of green corridors for wildlife, multi-functional green space and tree lined avenues will be preferred and encouraged. Planning permission will not be granted for developments which would destroy or impair the integrity of green corridors including interlinked pockets of green open space or semi natural vegetation.
41. *Policy GANP E5 (Protection of existing trees within new development)* – Sets out that developments will be expected to safeguard existing trees where appropriate and integrating them into the design and protecting them during construction.
42. *Policy GANP H3 – Parking Standards form new residential developments* – Sets out parking standards residential development should achieve.

43. *Policy GNAP H4 – Parking Mitigation* – Sets out where a garage is included in the design of the house the garage must be built to a minimum size to ensure a medium sized car can adequately fit.
44. *Policy GANP H5 – Provision of in-curtilage parking and storage* – sets out that on properties where no garage has been made there must be a parking area in curtilage and suitable provision for bicycle parking and/or storage will be encouraged.
45. *Policy GANP H6 – Securing Energy Efficient Homes* – Sets out that developments should be designed to achieve the highest possible energy efficiency standards.
46. *Policy GANP H7 – Housing for Older People* – Sets out that new developments should provide 10% of all new dwellings as bungalows to meet the needs of older people.
47. *Policy GANP H8 – Affordable Housing* - Sets out that new developments should provide affordable housing to meet local need.
48. *Policy GANP H9 – Provision of Facilities and Services* – Sets out that n proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities for example improved drainage, parks, play areas or footpaths as required to make the development acceptable in planning terms.
49. *GANP Policy DB1 (Large Scale Development Requirements)* sets several requirements, key ones being that development proposals should seek to achieve a village feel (to maintain the historic Beveridge Vision for the new town) and that main thoroughfares should have sufficient trees to maintain the tree lined character that exists elsewhere in the parish.
50. *GANP Policy T3 (Cycle Provision and Walking Routes)* – Sets out that major development proposals should be provide or contribute to safe well-lit accessible pedestrian and cycle routes.
51. *GANP Policy CIL 1 (Developer Contributions)* – All new developments should provide necessary and appropriate new facilities, relevant and related to the development or contribute t off site facilities.

A full copy of the Great Aycliffe Neighbourhood Plan can be viewed at <http://www.great-aycliffe.gov.uk/info/neighbourhood-plan-4/>

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

52. *Great Aycliffe Town Council* – Concerns are raised regarding the access arrangements to the site, particularly the formation of another access onto the A167 and those residents would have to travel via the A167 to access services. It is

highlighted that the land is protected in the Sedgefield Borough Plan and should not be developed.

53. *Highways Authority* – Advise that subject to securing the detailed final design of the proposed highway improvement works consisting of a signalised junction on to the A167, the proposed access arrangements are considered acceptable in highway safety terms. A Transport Assessment has been submitted and reviewed and subject to implementing mitigation works at Rushyford Roundabout (through a £102,897 commuted sum secured through a S106 agreement) the development would have an acceptable cumulative impact on the wider highway network. Further offsite works, including the proposed upgrading of the local footpath network to an adoptable standard and the provision of bus shelters on the A167 would need to be secured by condition or S106 agreement.
54. *Drainage and Costal Protection* – Advise that surface water runoff from the development will need to be controlled and discharged at a greenfield run off rate.
55. *Environment Agency* – Offer no objections to the scheme, however it is advised that no development should be built within Flood Zones 2 and 3 and finished floor levels should be set to at least 79.4m AOD.
56. *Northumbrian Water Limited* – Advise that a detailed scheme for the disposal of foul and surface water should be developed and agreed by condition. The surface water strategy should prioritise the use of soakaways and existing water courses. The presence of a public sewer which runs along the eastern boundary of the site is highlighted, this would likely restrict planting and landscape features.

INTERNAL CONSULTEE RESPONSES:

57. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). The Plan is absent in respect of how to appraise housing applications within main towns like Newton Aycliffe. This is on account that SBLP Policy H1 was not saved. The development of this site would conflict with Policy E4 as the site is designated as green wedge. The courts have determined that these types of policies are policies for the supply of housing, and therefore this policy cannot be considered up to date due to the councils housing land supply. Notwithstanding this, weight may still be attributed to it, and it is for the decision maker to judge the level of weight which is appropriate and whether the policy could carry weight in relation to other considerations.
58. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. and the remaining relevant saved policies of the SBLP. The requirements of the emerging Neighbourhood Plan offer advice on the design and layout of the scheme but would not preclude the development in principle.
59. The NPPF seeks to boost significantly the supply of housing, and the delivery of housing (including affordable housing) would count in favour of any scheme, and would be afforded weight in the planning balance in light of the current position in respect of the 5-year housing land supply position. The site itself is considered to be

well related to the main town of Newton Aycliffe; however, in terms of accessibility to local services and facilities by sustainable modes of transport, the scheme itself performs due to the nature of surrounding footpaths and topography of the land contrary to paragraphs SBLP Policy D3 and Paragraphs 30, 34, 35 and 61 of the NPPF. Overall, it is advised that the scheme would not represent a sustainable urban extension to the settlement due to the conflict with the identified policies, and consequently policy objections are raised to this application.

60. *Landscape* – Advise that the landscape value of the site is of moderate to high and of relatively high sensitivity to built development as a Green Wedge forming part of the immediate setting of Woodham Village. It is accessed and is visible in places from the eastern edge of the village and it is also visible from the A167 to the east, and while there is significant summertime screening from roadside trees and hedges, there is, nevertheless an awareness of open countryside beyond, rather than housing. It is advised that the importance of this site lies both in the visual amenity it provides to the residents of the housing to the west, and also in the limit it places on the apparent extent of Newton Aycliffe for people travelling on the A167. Woodham Village is not experienced as an extension of Newton Aycliffe, despite appearing on a map to be so. The proposal would be perceived as extending the boundary of Newton Aycliffe north by over 1000 metres, rather than filling in an area enclosed by existing housing. The site is protected in the SBLP as a green wedge under Policy E4, the development would be in conflict with this Policy. For the reasons identified above the site and this designation the site is considered a valued landscape for the purposes of Paragraph 109 of the NPPF.
61. The effects of the proposals on the character of the landscape would be transformative at the level of the site and its immediate surroundings. Built development would be a substantial incursion into open countryside, conspicuous in views eastwards across the valley of the Woodham Burn and bringing about the functional coalescence of Woodham Village and Newton Aycliffe. This would also be appreciated in filtered views from the A167 depending in some degree on mitigation measures. The proposals would be visible in views from residential areas and public vantage points on the edge of Woodham Village from where the site occupies rising ground and forms the local eastern skyline. There would be likely to be some significant visual effects in views from that quarter. Development would also be visible in views from the A167 depending on the detail of mitigation measures.
62. *Landscape (Arboriculture)* – Highlight the presence of a number of trees and hedgerows on the site that would need to be protected during construction and taken into account in any reserved matters application.
63. *Sustainability* –Highlight that some facilities and services are beyond maximum walking distances, while advising that the key issue is ensuring that there is an easily accessible footpath to the town centre. If planning approval is granted a condition requiring the submission of a scheme of energy reduction to be submitted should be attached.
64. *School Places and Admissions Manager* – Highlight that a development of up to 350 dwellings would likely generate an additional 105 primary and 35 additional secondary pupils. It is advised that sufficient primary and secondary school places exist to accommodate the development within an appropriate distance from the site.

65. *Archaeology* – Advise that a geophysical survey of the site has been undertaken. Whilst further analysis of this is required this can inform any reserved matters application, to be secured by condition.
66. *Housing Delivery* – Advise that the development should provide a minimum of 10% affordable housing, with the tenure to be agreed through a S106 agreement.
67. *Access & Rights of Way* – Advise that there are no public rights of way crossing the site, however there are permissive paths owned by the Council in the vicinity of the site that could be upgraded to adoptable standards.
68. *Ecology* – Following the submission of additional information and reports, overall no objections are raised to the scheme, subject to the mitigation measures proposed, including the timings of site clearance works. Detail regarding the ecology park, particularly its management and level of public accessibility, would need to be submitted and agreed by condition in order to meet the NPPF requirements of biodiversity compensation and gain.
69. *Environmental Health and Consumer Protection (Air Quality)* – Advise the impact on levels of air quality pollutants that may occur from an increase in traffic levels generated by the development is not significant. Therefore the scheme is acceptable from an air quality perspective during the operational phase.
70. *Environmental Health and Consumer Protection (Contaminated Land)* – Following a review of a phase 1 desk top study, advise a conditional approach in relation to land contamination.
71. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to detail the mitigation measures indicated in the submitted noise impact assessment that would need to be incorporated to safeguard future residents from noise sources.
72. *Design and Conservation* – Do not identify that any heritage related impacts would arise. It is however advised that adequate landscaping should be introduced to the A167. Further consideration of the design and layout of the scheme would be given at the reserved matters stage.
73. *Employability* – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.

PUBLIC RESPONSES:

74. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 25 letters of objection have been received in relation to the development as summarised below:

Principle/Sustainability

- The Impact on local services is highlighted including the overcrowding of schools.
- The applicant's account of public feedback is not reflective of the consultation events.
- The site is too remote from the town centre for anyone to walk for shopping, doctors and schools, increasing reliance on cars for transport.

- The number of dwellings proposed would be inconsistent with the town infrastructure.
- Previous applications have been resisted for housing in the area.
- The demand for the number of houses is questioned.
- Brownfield sites are available, these should be developed first.
- A sixth form collage should be built on the site to stop children having to travel out of the area.
- The proposal does not represent a sustainable extension to Newton Aycliffe.
- The development does not accord with the neighbourhood plan in that development should prioritise the needs of pedestrians, cyclists and users of public transport.

Landscape

- The views of the Council's Landscape Section are supported in that the quantum of development should be reduced.
- A viable ecology park/flood basin corridor should be incorporated, a significantly larger belt of structure landscaping, greater separation to Woodham and greater connectivity for pedestrians and cyclists to the north.
- Concerns are raised on how the public open space would be managed and maintained.

Residential Amenity

- Disturbance during construction.
- Increase in residents would spoil peace and quiet of the areas.

Highways

- The introduction of a further set of lights on the A167 would be another unwelcome barrier to free movement affecting people traveling to work, to and from trading estates and to the town centre, there are already tail backs from the existing traffic lights.
- Concerns are raised regarding a potential future access onto Stag Lane which would have a serious impact on local residents.
- Applications for accesses in this location have been refused in the past.
- Complexity around landownership around the access is highlighted.
- If planning permission is granted existing sections of footway should be upgraded and lit.
- The local centre of Woodham district centre is actually further away by car than the town centre.
- The applicant should fund a bus service to serve the site, as the formation of a bus stop and diversion of existing services would impact on existing services.
- It is considered that the previous approval of an existing access is not directly related to this application given the differing nature of uses.
- Concerns are raised regarding the proposed signalised junction and how this will operate with the increased traffic movements.
- A more appropriate vehicle access to Woodham should be explored and secured, however concerns regarding the impact of this are raised, in terms of traffic generation, highway safety and flooding issues.

Other

- Guarantees are required regarding increased flood risk, increased run off could exacerbate the situation.

- Concerns are raised regarding the building of a bridge which could cause increase flooding if the burn gets blocked. It is stated that the area has experienced major floods.
 - The proposed SUD's pond would not mitigate the increased flow while the developer should provide betterment to the site to help attenuate surface water.
 - Loss of recreation area.
 - Ecological impact, protected species have been seen in the area.
75. One letter of support has been received highlighting that due to the proximity of the business park it would seem sensible to build housing.

APPLICANTS STATEMENT:

76. The proposals were subject to a formal pre-application submission. The applicant proposed a development of up to 500 dwellings. During pre-application meetings the principle of development was agreed with Officers having considered relevant national and local planning policies. The Council's formal response (20th January 2016) concluded that a comprehensive development taking access off the A167 (subject to masterplanning) was the preferred development option. The response requested a 15m landscaping buffer which was duly provided.
77. The applicant duly invested significantly in the submission of an outline planning application. However, 8 weeks into the determination period, a response was received in October 2016 advising that Officers had changed their position and considered the site to represent a 'valued landscape'. The applicant was advised that the planning application was no longer supported by Officers. In an attempt to address the Officer comments, the applicant revised the masterplan, reducing the number of dwellings, increasing open space and providing two pedestrian links to the neighbouring community. We would respectfully request that planning permission be granted based on the following points:
- The Council cannot demonstrate a 5 year supply of deliverable housing land. The applicant's position is that there are no adverse impacts which outweigh the presumption in favour of the application being granted;
 - The policies for the supply of housing, including Green Wedge designation in the Sedgefield Borough Local Plan (1996) are out of date (the policies are now over 20 years old);
 - In the absence of a Draft Local Plan, suitable housing sites should be released now;
 - The site is surrounded by built development and represents a natural and logical extension. The applicant's professional landscape advice is that there is no justification for the assertion that the site constitutes a "valued landscape";
 - Over 8.5 hectares (40% of the site) is dedicated to open green space and wildlife improvements (a linear park and separate "Ecology Park") maintaining clear visual separation from Woodham Village. Pedestrian connectivity to existing residential areas is achievable and safe access can be achieved for vehicles onto the A167.

- The application will contribute toward improvement works to Rushyford Roundabout. The proposed housing falls outside the flood zone and there have been no objections from consultees with regard to surface water management.
78. If granted planning permission, the proposals would deliver the following sustainability benefits:
- A range of new homes to meet identified needs.
 - 10% affordable housing provision (up to 43 affordable dwellings).
 - New Homes Bonus Payments and increased Council Tax payments. The locality will also benefit from investment, construction jobs and increased expenditure.
 - The application would facilitate new investment into Woodham Academy.
 - Funding of new street lighting on neighbouring footpaths, and the delivery of new play facilities and improvements to existing open space.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OC5MQOGDIRN00>

PLANNING CONSIDERATIONS AND ASSESSMENT

79. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, planning obligations, landscape and visual impact, layout and design, highway safety and access, residential amenity, ecology, flood risk and drainage, ground conditions, heritage impacts and other issues.

The Principle of Development

The Development Plan

80. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
81. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

82. The Great Aycliffe Town Council has reached the later stages in the development of the Great Aycliffe Neighbourhood Plan (GANP). The GANP has been subject of an independent examination and will be subject to a referendum in mid-2017. If supported by a majority at the referendum stage the local planning authority will 'make' the GANP cannot be regarded as forming part of the development plan. This reduces the amount of weight that should be attributed to it. Notwithstanding this partial status, it is now a material consideration in respect to development proposals falling within its geographic extent, which includes this site.

The NPPF

83. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
84. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
85. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date as outlined below.

Five Year Housing Land Supply

86. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.

87. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
88. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
89. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.
90. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the local plan may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted. This however does not mean that no weight should be given to relevant Local Plan policies in the decision making process as discussed below.

Assessment having regards to Development Plan Policies

91. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
92. SBLP Policy H8 identifies the residential framework within which housing development would normally be approved, ostensibly to "balance the need for new housing whilst maintaining the character of the countryside". The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to house proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it considered that SBLP Policy H8 is not applicable in this case.
93. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the

countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.

94. SBLP Policy E4 seeks to resist development in designated green wedges to maintain the distinction between the countryside and built up areas, prevent the coalescence of adjacent places and provide a rural setting to development. While the Green Wedges are not specifically referred to within the NPPF, they may be considered NPPF compliant, and therefore afforded weight in decision-making. The development of the site for housing would be in direct conflict with SBLP Policy E4 which only permits developments which maintain the openness of the landscape.
95. It is recognised that SBLP Policy E4 is a policy which controls the supply of housing. Due to the age of the SBLP and housing supply figures that informed it the policy is considered out of date in this respect . However in line with paragraph 12 of the NPPF the development plan is the starting point for decision making, therefore relevant polies should not be disregarded or be given no weight albeit the weight that can be afforded to them is reduced. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
96. The Great Aycliffe Neighbourhood Plan (GANP) does not propose any housing allocations nor is the site protected or designated for an alternative purposed under any relevant policy which would influence the principle of development of the site. Remaining policies relate to specific matters rather than influencing the principle of the development.
97. Overall the development of this site would be in conflict with SBLP policy E4, whilst polices related to the supply of housing and development within the countryside in relation to this application are either silent or considered out of date. This does not mean that they should be disregarded or be given no weight, albeit the weight that can be afforded to them is reduced. As a result the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

98. The County Durham Settlement Study 2012 is an evidence based document which categorises Newton Aycliffe as a Main Town with a wide range of services and amenities such as primary and secondary schools, several GP's and Health Centres community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Newton Aycliffe was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of 430 dwellings is considered to be proportionate to the role of the town within the settlement hierarchy and the level of services provided.
99. SBLP Policy D3 states that developments should provide for all modes of access, including safe and convenient pedestrian and cycle routes. This Policy is considered to be NPPF consistent, and full weight can still be afforded to it. NPPF at Paragraph 61 sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built

environment. In this respect, concerns are raised regarding the integration of the scheme into the built environment of Woodham and Newton Aycliffe as the single vehicular access point to serve the development would be located on the A167. This would mean that residents would have to travel away from the centres to access them. Pedestrian links are proposed across Woodham Burn by bridge and on to a public right of way (Footpath No. 31 Great Aycliffe no.31) in the south west corner of the site, although it is indicated that improvements to the surfacing of these paths, including appropriate lighting would be made. It is considered that due to the nature of the paths and the topography of the land it would discourage future residents from using them as a means of accessing facilities on foot, particularly in the winter months.

100. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. The Institution of Highways and Transportation (CIHT), in their document “Providing for Journeys” suggest the following walking distances to services:

	<i>Town Centre</i>	<i>Commuting/School/Sightseeing</i>	<i>Elsewhere</i>
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

101. In assessing the application against the above distances when measuring centrally to the site a distance of 1360m is evident to the town centre, 4550m to Aycliffe Industrial Estate. A distance of 660m is evident to the nearest secondary school and 980m to the nearest primary school. The nearest local shop/local retail centre is located 960m away while the nearest GP is located 1750m away. Higher education and hospital facilities are located in Bishop Auckland.
102. When considering these figures, it is noted that the majority of distances are either within ‘Preferred Maximum’ or ‘beyond Preferred Maximum’, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk.
103. In terms of cycle access, the site does perform better, with services in the town centre and Woodham centre are within a 5 minute cycle ride. Bus stops would be provided onto the north and south bound A167 as part of the scheme although these would be up to a distance of 400m or some residents. This would give access to Newton Aycliffe town centre, Durham and Darlington on a regular basis.
104. The NPPF requires that development should support strong, vibrant and healthy communities, by providing housing that has accessible local services, reflecting the community’s needs, as set out in Paragraph 6 of the NPPF, as well as meeting the aims of Paragraph 30 of the NPPF which states that patterns of development should facilitate the use of sustainable modes of travel, NPPF Paragraph 34, which states that developments that generate significant movement are located where the need to travel will be minimised, and that sustainable transport modes can be maximised, and Paragraph 35 of the NPPF, which states that development should be located to give priority to pedestrian and cycle movements, have access to high quality public transport, and consider the needs of people with disabilities and the elderly.

105. Whilst it is considered that the distances to relevant services are at the preferred maximum or beyond preferred maximum distances on balance these are generally considered acceptable in the round. However, concerns are raised regarding the site's relationship with the existing settlement in terms of the nature of connectivity. This is because the scheme relies on a number of pedestrian links through landscapes areas, including proposed provision of a bridge over Woodham Burn. Whilst it is acceptable that these links would be attractive to some future residents, due to topography changes and significant vegetation for other this would not be an appealing route, particularly in the winter months. For this reason the appeal in utilising more sustainable transport methods would be reduced and therefore considered to be contrary to SBLP Policy D3 and Paragraphs 30, 34, 35 and 61 of the NPPF in this respect.

Landscape and Visual Impact

106. SBLP Policies E1 and D1 and 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. These policies are considered consistent with Parts 7 and 11 of the NPPF which set out that good design is indivisible from good planning while also seeking to protect local landscapes. The site is designated a green wedge under SBLP Policy E4 which seeks to safeguard areas that provide the setting to towns and villages. Policy E4 is considered consistent with the NPPF Paragraphs 7 and 17 which emphasise the need to protect and enhance the natural and built environment and to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. SBLP Policy E4 is considered a dual purpose policy, and although set out above it should be afforded reduced weight relating to housing land supply it can be afforded full weight in considering the landscape and visual impact of the scheme. Policy GANP CH1 sets out that developments must respect the landscape character of the parish as defined in the Great Aycliffe Heritage and Character Assessment 2015.
107. The application site consists of open farmland with a network of old hedges and scattered hedgerow trees, the site falls gently to the shallow valley of the Woodham Burn. This area supports a mosaic of grassland, scrub and woodland along the meandering course of the burn. The does not lie within a nationally designated landscape however it is identified as a Green Wedge under SBLP Policy E4 and is attractive in its own right and contributes to the landscape and openness of the town. The Great Aycliffe Heritage and Character Assessment 2015 characterises the land as Agricultural.
108. The Council's Landscape officers advise that the landscape value of the site is of moderate to high and of relatively high sensitivity to built development as the site is designated as a Green Wedge in the SBLP and forms part of the immediate setting of Woodham Village. It is accessed and is visible in places from, the eastern edge of the village. It is also visible from the A167 to the east. While there is significant summertime screening from roadside trees and hedges, there is an awareness of open countryside beyond, rather than housing. It is advised that the importance of this site as countryside lies both in the visual and other amenity including informal recreation that it provides to the residents of the housing to the west, and also in the limit it places on the apparent extent of Newton Aycliffe for people travelling on the A167. Woodham Village is not experienced as an extension of Newton Aycliffe,

despite appearing on a map to be so. The proposal would thus be perceived as extending the boundary of Newton Aycliffe north by over 1000 metres, rather than filling in an area enclosed by existing housing. Due to the role the site plays as a green wedge separating Newton Aycliffe to Woodham Burn it is considered to be a valued landscape in the context of Paragraph 109 of the NPPF. Paragraph 109 requires the planning system to enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

109. Landscape officers advise that the effects of the proposals on the character of the landscape would be transformative at the level of the site and its immediate surroundings. The built development would be a substantial incursion into open countryside, conspicuous in views eastwards across the valley of the Woodham Burn and bringing about the functional coalescence of Woodham Village and Newton Aycliffe. Officers advise that this would also be appreciated in filtered views from the A167 depending in some degree on mitigation measures. The proposals would be visible in views from residential areas and public vantage points on the edge of Woodham Village from where the site occupies rising ground and forms the local eastern skyline where there would be some significant visual effects. The development would also be visible in views from the A167 depending on the detail of mitigation measures, at present this is intended to form structure planting, however there is a Northumbrian Water (NWL) rising main in part of this area which may preclude planting as NWL do not allow development (including structural landscaping) over their apparatus.
110. Overall, the development of the site would result in a significant landscape impact to a parcel of land that provides a strategic separation between the wider development of Newton Aycliffe and Woodham. The development of this site would be in substantive conflict with SBLP Policy E4, and due to the strategic role the site plays within the landscape would fail to contribute to and enhance the natural and local environment by failing to protect or enhance a valued landscape. Paragraph 109 is considered to be a specific policy which indicates development should be restricted for the purposes of Paragraph 14 of the NPPF. The development would also conflict with SBLP Policies E1 and D1 due to this landscape impact while the development would change the character of the land in conflict with policy CH1 of the GANP.

Layout and Design

111. SBLP Policies D1, D2, D4 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D4 and D5 in this respect. Policies CH1, E5, H3, H4, H5 and DB1 of the GANP set out design criteria for developments including the requirement of development being appropriate the character of the area while protecting existing trees, hedgerows and provision of sufficient parking.
112. In this respect the application is in an outline form, however based on the indicative master plan and reserved matters application it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout

could be achieved. It is recognised that the development would represent a relatively low density for the gross site area; however large areas of the site are not developable due to specific constraints such as flood zones. Particular consideration would need to be given to the site's relationship with Woodham Burn in any reserved matters application. Land further to the west is designated a Green Corridor under Policy E1 of the GANP, care would need to be taken to protect the integrity of the green corridor in line with the masterplan.

113. Policy D9 (Art in the Environment) sets out that, the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990 or condition.
114. Overall subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies D1, D2, D4 and D5, Policies CH1, E5, H3, H4, H5 and DB1 of the GANP and Parts 7 and 11 of the NPPF

Highway Safety and Access

115. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents. Policy H3 of the GANP sets out minimum car parking standards for developments whilst policy GANP T3 seeks to promote pedestrian and cycle links.
116. A new junction on the A167 is proposed to serve the development. This would take the form of a signalised junction with a protected right turn. The Highways Authority advise that the principle of forming a junction of this nature to serve the site has been established under a previous appeal decision and subject to some minor amendments (that could be controlled by condition) the proposal is acceptable in Highways Safety terms. The proposed access arrangements and traffic lights would allow flows on the A167 to be maintained.
117. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application. However, it is indicated that a sufficiently wide distributor road should serve the development which would allow the potential for a future link onto Stag Lane at Woodham Burn should future need dictate as requested by the Highways Authority. The scheme does not propose this highway link to which there is a significant amount of local opposition.

118. In support of the planning application the applicant has submitted a Transport Assessment that considers the impact of the development on the surrounding road network, including onto the A167 and the junctions on the A689 to the north of the site (Rushfyford Roundabout).
119. The TA establishes that the impact of the development upon the highway network, would for a large part be acceptable, and not result in an impact such that it could be considered to be “severe”. It does however recognise that at present, that the A167/A689 Rushfyford Roundabout is operating over capacity, and that the additional traffic generated by this development would further exacerbate existing problems. Furthermore, it is acknowledged that there are several other development proposals currently under consideration, or that have recently received permission that will also have the potential to exacerbate the issues at this junction.
120. With this in mind, the applicant has agreed a mitigation scheme for the roundabout with highways officers, in order to increase capacity. This scheme takes account not only of this particular development, but also others currently under consideration, or already benefitting from permission and may affect this junction, totalling 6 separate developments.
121. Following detailed discussions, a methodology has been devised to apportion contribution towards the proposed mitigation works on the basis of the level of additional traffic generated by each development. In this context, it is expected that this particular development would generate an additional 110 vehicle movements at the roundabout at the AM peak, and 1120 at the PM peak, out of a total of 649 AM peak, and 642 PM peak additional movements. This results in this development contributing an average of 17.8% of the additional traffic.
122. With the overall mitigation scheme costing £644,781, it is expected that on the basis of a 17.8% contribution, that a sum of £114,902 would be required in order to mitigate the impacts of this development, and that this sum can be secured by a planning obligation secured through S106 of the Town and Country Planning Act 1990. It is recognised that other developments may not come forward reducing the total amount of funding to deliver the necessary works. However the Highway Authority advise that they are in a position to underwrite the works, whilst any scheme at time of delivery would be proportionate to the total number of committed developments.
123. The Highway Authority has advised that further modelling of the capacity of the highway network in relation to the signalised junctions to the south of the site is required. Whilst it is advised that this work need to be undertaken it is likely that this would not result in a severe impact, at worst minor modification to the signalisation or highway. This could be secured by condition or through a planning obligation secured through S106 of the Town and Country Planning Act 1990.
124. An assessment of the sustainability and accessibility of the site is made above, however the development would provide pedestrian access to Woodham Centre, via a pedestrian foot bridge that would be created over Woodham Burn. A secondary pedestrian access would be made onto an existing adopted footway linking to Woodham College. There is a network of unmade paths within the vicinity of the site, which residents of the development would rely on to access services, the applicant proposed to upgrade these up to adoptable standards. This could be secured by way of a planning obligation secured through S106 of the Town and Country Planning Act

1990 as they are owned by the Council and the Town Council. The provision of these links does not override the concerns regarding the accessibility of the site highlighted above.

125. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. Although concerns are raised regarding the pedestrian links and accessibility to services and amenities, in highways safety terms the scheme is considered acceptable with SBLP Policy D3 and L9, GANP Policies H3 and T1, and Parts 4 and 8 of the NPPF in this respect.

Residential Amenity

126. SBLP Policies D1 and D4 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
127. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook. Further scrutiny of this matter and the internal site layout would be given to a reserved matters application for outline elements of the scheme.
128. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated.
129. The development would increase the comings and goings of vehicles, and pedestrians which would have a limited impact on residential amenity. However, this is not considered to be at a significant reduction that would warrant refusal of the application.
130. Overall the scheme would comply with SBLP Policies D1 and D4 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity.

Ecology

131. The closest site of nature conservation interest is Moor Nature Reserve Mill Wood located 1.2km to the west of the application site. SBLP Policy E11 and Part 11 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the

Conservation of Habitats and Species (Amendment) Regulations 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, or the development being a risk to the protected species is low. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF.

132. Ecology officers have reviewed the submitted extended phase 1 survey and relevant reports and have raised no objections given the lack of protected species present. The applicant proposes to set aside a significant portion of land approximately 3ha to be utilised as an Ecology Park, which would retain the flood capacity function. Ecology officers advise that a detailed strategy for this area, particularly its management, level of public accessibility and lighting would need to be submitted and agreed in order to meet the NPPF requirements of biodiversity compensation and gain. It is considered that this matter could be secured by condition alongside further consideration of any reserved matters application. Subject to agreeing the management of the area, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2012 and the proposal would comply with Paragraph 118 of the NPPF. It is however, encouraged that the reserved matters application should take the opportunity to create new woodlands and hedgerows using native plant species, this can however be secured through condition.
133. Given the lack of impact on biodiversity interests, along with the planting proposed, the development is considered to conform with Part 11 of the NPPF in this respect subject to conditions requiring further details of the ecology park and its management.

Flood Risk and Drainage

134. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
135. The application is accompanied by a flood risk assessment (FRA), which highlights that the majority of the application site is within flood zone 1 with a low flood risk probability. Part of the application lies within Flood Zones 2 and 3, however there are no build developments in these areas with the exception of the pedestrian accesses. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's). This includes the implementation of swales and storage capacity within the site, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged to a water course. Subject to securing the detail of this approach and details of the proposed pedestrian connections across Woodham Burn, Drainage and Coastal Protection officers offer no objections to the development. Northumbrian Water also advises a conditional approach to managing surface and foul water discharge. The Environment Agency offers no objections to the scheme providing there is no development in flood zones 2 and 3 and the floor level of properties is set above 79.4m AOD.

136. Subject to conditions to resolve the final surface and foul water disposal no objections to the development on the grounds of flood risk or drainage are raised and it is unlikely that there would be an increased risk of flooding elsewhere. The scheme is considered to accord to Part 10 of the NPPF in this respect.

Ground Conditions

137. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies outside with the Coal Authority's Coalfield area of high risk. Standing advice issued by the Coal Authority is applicable and no further consideration of land stability is therefore required at this stage.
138. Paragraph 120 of the NPPF requires land contamination to be taken into account in the decision making process. In this respect the applicant has submitted a phase 1 desk top study report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.

Heritage Impacts

139. Aycliffe Village Conservation Area which contains a number of listed buildings is located 3.2km to the south of the site. As advised by the Design and Conservation Officer there are no heritage related issues associated with the development, due to the limited inter visibility between to nearest listed buildings and conservation areas. The development would accord with Part 12 of the NPPF in this respect.
140. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a geophysical survey of the site. Archaeology officers advise that although further analysis of the findings is required this could inform the layout of a reserved matters application and no further work is required on this matter at this stage. The development would accord with Paragraphs 128 and 139 of the NPPF in this respect.

Other Issues

141. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 17ha of agricultural land (although the gross site area is greater not all the land is in an agricultural use). A site specific investigation into the land classification does not accompany the application. Natural England classification maps for the North-East region do not make any classification of the site. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.

142. In this instance it is considered that the amount of agricultural land (17 ha) to be lost is less than significant. Therefore this should not be considered an adverse impact in the event that the land is best and most versatile, it none the less a negative impact which should be given weight in the planning balance.
143. An Air Quality Impact Assessment has been submitted by the applicant. Following a review of this assessment the Council's Environmental Health and Consumer Protection Section (Air Quality) advise that the impact on levels of air quality pollutants that may occur from an increase in traffic levels generated by the proposed development is not significant. Therefore the impact on air quality during the operational phase is not a reason why the proposed development may not proceed.
144. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers highlight that some facilities and services are beyond maximum walking distances, while advising that the key issue is ensuring that there is accessibility to the town centre. It is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. However this would be controlled through Building Regulations.
145. No response has been received from the NHS regarding potential capacity issues within the Newton Aycliffe Area. It is however noted that there are a number of GP surgeries that could serve the development.

Planning Obligations

146. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring that sufficient school places are available to meet the needs of existing and new communities. The Council's School Organisation Manager highlights that a development of up to 430 dwellings would likely generate an additional 105 primary and 35 additional secondary pupils. It is advised that sufficient primary and secondary school places exist to accommodate the development within an appropriate distance from the site.
147. Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. The applicant has offered up 10% of the dwellings on an affordable basis to be secured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990 to comply with the Policy requirement.
148. SBLP Policies L1 and L2 sets out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. These Policies are considered consistent with Part 8 of the NPPF which promotes access to high quality open spaces and opportunities for sport and recreation. However in line with Paragraph 73 of the NPPF these targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need.

149. The scheme proposes approximately 5.5 ha of amenity open space, although access would need to be restricted for larger areas for the site to satisfy ecology issues (as below) it is considered that the scheme would satisfy the minimum requirements of the OSNA or any short fall could be secured onsite by condition or an appropriate amount offsite via by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990.
150. The Council's Employability officer request that targeted recruitment and training clauses are included within the S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

Planning Balance

151. The development of the site would result in a departure from the SBLP as the site is designated a Green Wedge and protected from development under policy E4 of the SBLP. However, in circumstances where relevant policies are out of date and in the absence of a five year housing land supply, the NPPF, as a significant material consideration sets out that the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. Paragraph 14 states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in this Framework indicate development should be restricted. The proposed development is considered contrary to Paragraph 109 of the NPPF, which is a specific Policy that indicates that development should be restricted and so disappplies the presumption in favour. Therefore, there is no requirement for the adverse impacts to significantly and demonstrably outweigh the benefits, however, for clarity the balance test considers the approach where that test would apply.

Benefits

152. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
153. The weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Even in the most exacting scenario the Council can demonstrate 4.04 years of supply, and that any shortfall is likely to be temporary, and that there would be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied. The development would provide between 3 to 3.4 months' supply of housing.
154. The development would provide affordable housing to meet an identified need complying with SBLP, GANP and NPPF policies in this respect.

155. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs and potential jobs associated with the development

Impacts

156. The development would result in significant adverse landscape harm to an area of land forms part of the character of the local area and contributes to the setting of the Town by providing a green wedge between two distinct areas of development. The development of the site would be in direct conflict with SBLP E4 and would result in development of a valued landscape contrary to Paragraph 109 of the NPPF.
157. Although the walking distances to relevant services are at the preferred maximum or beyond preferred maximum distances, these on balance are generally considered acceptable in the round. However, concerns are raised regarding the site's relationship with the existing settlement in terms of the nature of connectivity, particularly the proposed pedestrian link down through Woodham Burn, which would likely limit the choice for prospective residents as to how they travel reducing the appeal in more sustainable transport methods.
158. Loss of agricultural land would arise, however given the size of the site (13ha) this should not be considered an adverse impact even in the event that the land is best and most versatile.

CONCLUSION

159. The development of the site would result in a departure from the SBLP as the site is designated a Green Wedge and protected from development under policy E4 of the SBLP. As relevant SBLP Policies are out of date and in the absence of a five year housing land supply, the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
160. It is concluded that the development would be contrary to Paragraph 109 of the NPPF which is a policy that indicates that development should be restricted and so disappplies the presumption in favour. There is no requirement in this instance for these adverse impacts to significantly and demonstrably outweigh the benefits of the proposal as the presumption in favour of sustainable development is not engaged. Therefore any amount of harm can be considered outweigh the benefits. Adverse impacts have been identified, most notably that the development would result in significant adverse landscape harm. Other impacts such as poor integration to the existing development in terms of vehicular and pedestrian connections and the loss of agricultural land have also been identified.
161. Whilst there are benefits to the proposal, notably the boost to housing supply including affordable homes, direct and indirect economic benefits, it is considered in this instance they are outweighed by the particular adverse impacts identified and therefore the proposed scheme cannot be considered to be sustainable development.

162. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. A number of matters could be addressed by completion of a S106 legal agreement including the provision of affordable housing and contribution to offsite highway and footpath works is considered. The tests of the relevant legislation in this respect would be met.
163. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

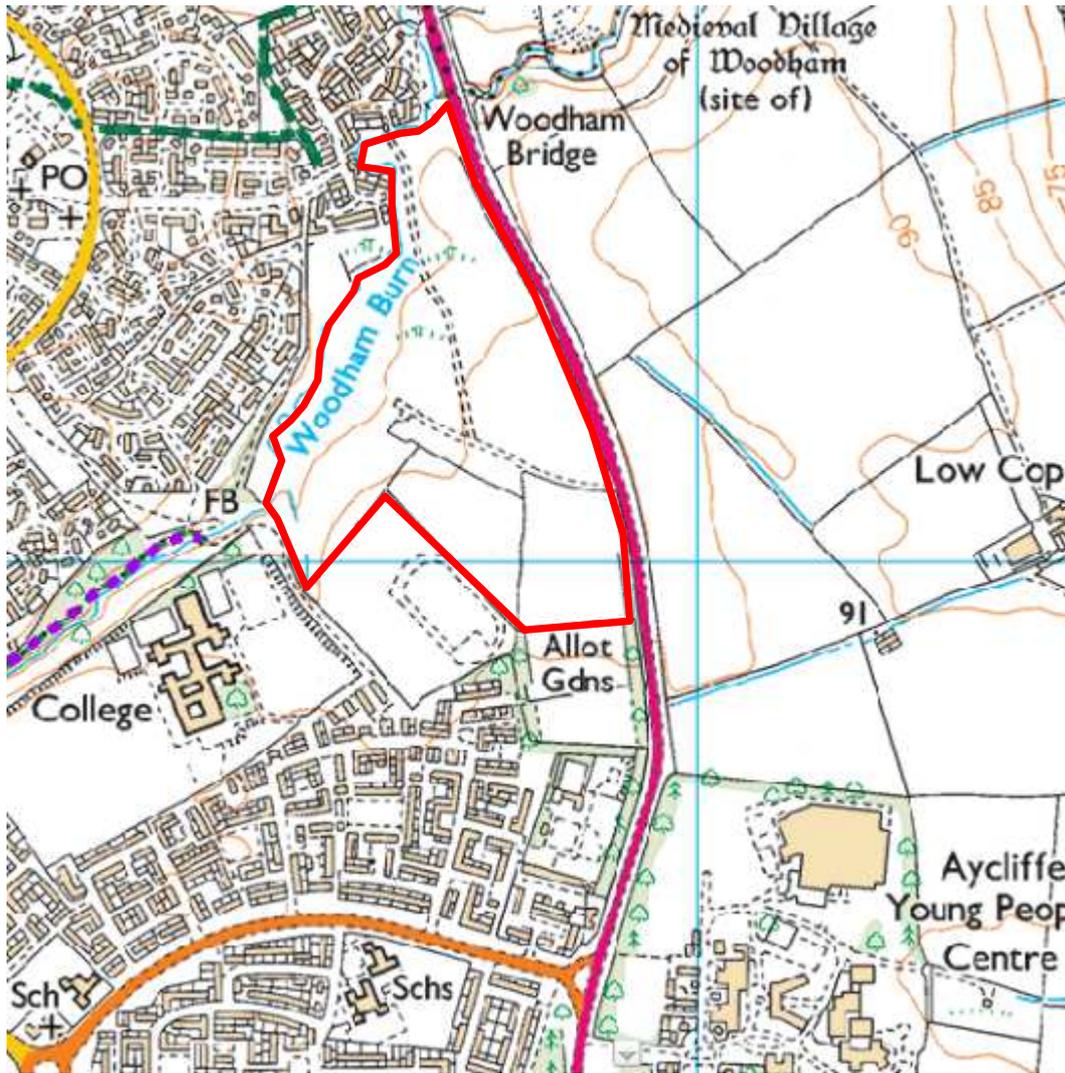
1. The Local Planning Authority considers that the proposed development would result in transformative effects upon the character of the area and setting of Newton Aycliffe/Woodham resulting in significant adverse landscape harm to a valued landscape and designated green wedge, contrary to Policy E4 of the Sedgefield Borough Local Plan 1996 and Paragraph 109 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Sedgefield Borough Local Plan 2007
- Great Aycliffe Neighbourhood Plan (2016)
- The County Durham Plan (Submission Draft)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Great Aycliffe Heritage and Character Assessment 2015
- Durham Settlement Study 2012
- Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>DM/16/02709/OUT Outline application for the erection of up to 430 dwellings (all matters reserved except access) and landscaping and engineering works, Land Adjoining Woodham Bridge Cobblers Hall Road Newton Aycliffe</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 February 2017</p>	<p>Scale Not to scale</p>

