



## County Planning Committee

**Date** Tuesday 3 April 2018  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 6 February 2018 (Pages 3 - 10)
5. Applications to be determined
  - a) DM/17/03694/FPA - Field Belonging To Primrose Side Farm and Directly West Of Bleach Green Farm, Alum Waters, New Brancepeth (Pages 11 - 30)  
Installation of Underground Sewerage Storm Tank and Associated Works
  - b) DM/17/04035/FPA - Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW (Pages 31 - 52)  
Replan of part of Phase 1 of permission DM/17/01213/VOC comprising 47 dwellings, incorporating 12 additional dwellings (Total of 106 dwellings on Phase 1)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### Part B

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

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

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
22 March 2018

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

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

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

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 February 2018 at 1.00 pm**

**Present:**

**Members of the Committee:**

Councillors J Clare, D Hicks, I Jewell, C Kay, A Laing, H Nicholson, G Richardson, A Shield and M Wilkes

In the absence of the Chairman and Vice-Chairman, nominations were sought for the Chairman of the meeting.

**Moved** by Councillor Laing, **Seconded** by Councillor Nicholson and

**Resolved:**

That Councillor I Jewell be nominated as Chairman of the meeting.

**Councillor I Jewell (Chairman)**

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, L Maddison, J Robinson, A Simpson, P Taylor, F Tinsley and S Wilson.

**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 2 January 2018 were confirmed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/17/01929/FPA - Maiden Castle Sports Centre, Maiden Castle, Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the extension and refurbishment of the existing sports centre, erection of associated changing pavilion, two beach volleyball courts with

associated landscaping and infrastructure (revised description) at Maiden Castle Sports Centre, Maiden Castle, Durham (for copy see file of Minutes).

A Inch, Strategic Development Manager gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, proposed layout and ground floor of the extended sports centre, existing view from the A177 and that after one year and 10 years and existing and proposed views from Old Durham.

The Strategic Development Manager referred the Committee to proposed Condition 11 and reported that a Travel Plan had now been submitted and agreed and this should be listed as an approved document under Condition 2.

Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Mr R Cornwell addressed the Committee on behalf of the Durham City Neighbourhood Planning Forum and the City of Durham Trust to object to the application.

It was common ground between the applicants, the planning officer and the Forum that this application was inappropriate development in the Green Belt.

The development was therefore only acceptable where very special circumstances existed. Such circumstances would not exist unless the potential harm to the Green Belt was clearly outweighed by other considerations. This was more than a balance of probabilities, it had to be a clear difference.

The University's case was a consequence of its unilateral decision to expand the number of students in Durham from around 15,500 in 2017 to 16,500 in 2018 and growing to 21,500 by 2027. This had not been the subject of any proper scrutiny. The University's Estate Masterplan was a one-sided document which had not been considered by any Council Committee and had no planning status.

If, eventually, it reached the County Durham Plan it would need to be subject to a Strategic Environmental Assessment, which must take into account the very detrimental effect on the City of this expansion, not only the conversion of family homes to student lets and the monopolising of prime sites for purpose built student accommodation, but also the effect on the economic life of the City, which was empty for half the year when students were away.

The University had around six applicants for each undergraduate place and did not need these sports facilities to attract applicants.

Mr Cornwell referred to possible alternative sites and informed the Committee that only those not in the University's estate had been considered. There was land at Hild/Bede and at the various colleges that could and should have been assessed. The University planned to decommission existing gym facilities at Hild/Bede and replace them with facilities at Maiden Castle. The University had unilaterally excluded part of its own recreational estate from the search and was expecting the

wider community to accept that the Green Belt should make up a deficit which was of its own making.

Having all of the facilities on one site may be the University's ideal solution, but it had already accepted that tennis would be a step too far. In terms of national planning policy, not developing on the Green Belt was the ideal solution.

Paragraph 88 of the NPPF stated that 'local planning authorities should ensure that substantial weight was given to any harm to the Green Belt' this carried greater weight than an objective of putting everything on the same site, which the applicant had already departed from during the development of this submission. If facilities were split across sites more alternatives became available, and sites that would be too small to hold everything could be considered. This would be the responsible approach for a major body such as Durham University to take and not to do obvious harm to the Green Belt.

Mr Cornwell referred to the public benefit, which meant the community use of facilities, not student sport. The figures provided were not precise or detailed enough to allow the Committee to assess the relative importance of the community benefits on offer. It was not clear, for example, whether the hours related to individuals or teams, or what proportion of the facilities would be available to the community. The letters of support from various sporting bodies were broadly very generic and did not refer at all to this proposed development. Quite a lot were for outdoor sports and supported the upgrade floodlights.

Mr Cornwell urged the Committee to reject the application on the grounds that the very special circumstances that NPPF Paragraphs 87 and 88 required, in order to justify demonstrable harm to the Green Belt, had not been made.

Ms J Robinson and Mr Q Sloper of Durham University address the Committee in support of the application.

Ms Robinson informed the Committee that the proposed development would support the delivery of one of the first elements of Durham University's proposed Estate Masterplan which had been developed in consultation with Durham County Council and a wide range of stakeholders; to enable the University to continue its success as a world leading institution and to maximise benefits to the local area.

The University boosted the UK economy by £1.1 billion a year and supported nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north east.

The application site was recognised in the Masterplan as being a key gateway point into Durham City and therefore was a key frontage for the University. The University was seeking to invest £29.5 million in Maiden Castle Sports for this phase of development, as it was recognised as a strategic site of sporting excellence. The University wanted to ensure that its facilities were more attractive to host major external sporting events that would raise the profile and generate new income.

Mr Sloper informed the Committee that the objective of the entire project was to provide a new high class, state-of-the-art, fit for purpose venue for Durham University Sport at Maiden Castle.

The proposed development would bring wider benefits to the area and would provide improved sports facilities which would benefit not only the University but also the wider community. Maiden Castle already acted as a hub for community sport, hosting over 15 community clubs and 2,000 local residents on a weekly basis. Extending the facilities on the existing site would build on the very strong reputation Maiden Castle already had as a hub for community engagement within the city and local area. This phase of redevelopment would increase community use by 457 hours per week.

Councillor Wilkes asked whether the University had considered alternative sites for the proposed sports facilities because he considered there were many possible sites around Durham City.

Mr Cornwell informed the Committee that the University sequential study had been of sites it did not own. This application was for an indoor sports facility to be erected which could be accommodated elsewhere on the University estate.

The Strategic Development Manager informed the Committee that the University had carried out a sequential assessment of alternative sites but these were either not available or had other planning constraints.

Ms Robinson informed the Committee that the University had considered options of how this site could be developed and this application was considered to be the best to take forward.

Councillor Jewell referred to paragraph 158 of the Committee report which stated that 28 sites had been considered.

Councillor Laing asked how many jobs would be created by the development. Ms Robinson replied that an independent economic study showed the University boosted the UK economy by £1.1 billion a year and supported nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north-east. Mr Sloper added that the development would support 15 operational staff with this number expected to increase as the facilities were used more.

The Strategic Development Manager referred to paragraph 171 of the report which stated the development would create 88 direct jobs and 133 indirect jobs during the construction period.

Councillor Shield informed the Committee that there were no statutory or internal objections to the application. Although there were objections from Elvet Residents, City of Durham Trust, the CPRE and the Durham City Neighbourhood Planning Forum, he considered there to be sufficient mitigation. He was pleased that there would be community access to the proposed facility and informed the Committee that he was minded to approve the application.

In reply to a question from Councillor Kay, it was confirmed that the University currently owned the site. Councillor Kay informed the Committee that a large sports hall had existed on the site and therefore on the Green Belt for a number of years and this application sought to increase the size of that hall. Councillor Kay seconded approval of the application.

Councillor Clare informed the Committee that he did not wish to minimise the issue of encroachment onto the Green Belt. Had this Green Belt been open land and there was an application to build a large sports hall then he would have viewed it differently, but there was already a sports hall on the site and this application was to increase the size of something which already existed. The extension of facilities on the site would enhance the student experience for Durham University and would also provide first class sports facilities. Councillor Clare supported the application.

Councillor Wilkes informed the Committee that he had concerns about the very special circumstances for building on the Green Belt and asked how many times the citing of very special circumstances would be used to build on Green Belt land. He considered that the quality of the photographs used during the presentation of the application to be poor and these gave no idea of what the view of the new building would be. Councillor Wilkes sought better images of what the development would look like and informed the Committee that he would defer the decision until such clarity was forthcoming.

Councillor Jewell reminded the Committee that all Members had the opportunity to attend the site visit the previous day to view the site location and setting. Councillor Wilkes replied that while he knew the site, he was unaware of how the development would look.

Councillor Richardson informed the Committee that he considered the application to be a stunning development which would bring sports facilities together and encourage elite athletes. Councillor Richardson sought further information on flood mitigation for the new building. The Strategic Development Manager replied that the new sports hall was to be built on a flood plain and as such was designed to let flood water safely flow through it, which would reduce the potential for the flood risk to be increased elsewhere.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the referral of the application to the Secretary of State via the National Planning Casework Unit; and in the event of the application not being called in, the Head of Planning be authorised to determine the application, and the Conditions, as amended, contained in the report.

**b DM/17/01260/MIN - Raisby Quarry, Raisby Hill, Coxhoe**

The Committee considered a report of the Senior Planning Officer regarding an application for the extension of time for quarrying operations until 2042 with restoration by 2044 at Raisby Quarry, Raisby Hill, Coxhoe (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site access, views east to west, a view of the working face, proposed phases 1, 2 and 3 and proposed restoration.

The Senior Planning Officer informed the Committee that feedback had been received from Environmental Health on noise and it was proposed to amend Condition 25 to introduce lower ambient noise levels of 42dBL<sub>Aeq 1 hour</sub> (48dBL<sub>Aeq 1 hour</sub> at Low Raisby Farm) at the nearest noise sensitive receptors between the hours of 6 a.m. and 7 a.m.

Councillor Richardson informed the Committee that the application had received no objections and that this was an established quarry which appeared to be well-run. Councillor Richardson **moved** approval of the application. **Seconded** by Councillor Clare.

**Resolved:**

That the application be approved subject to the Conditions contained in the report and an amendment to Condition 25 as explained by the Senior Planning Officer.

**c DM/17/02158/FPA - High Farm, 296 Toft Hill Lane, Toft Hill, Bishop Auckland, DL14 0QA**

The Committee considered a report of the Senior Planning Officer regarding an application for the proposed development of holiday accommodation with associated infrastructure, landscaping and ancillary operations including use of existing farm buildings for related on-site fabrication, maintenance and storage, and continuation of existing bakery school at High Farm, 296 Toft Hill Lane, Toft hill, Bishop Auckland (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, views across the development site, proposed layout, details of the reception and amenity blocks and examples of the camping buildings to be used.

Councillor H Smith, local Member, was unable to attend the meeting but requested that the following statement in support of the application be read to Committee:

*'I support this application for erection of tents, camping pods and camping pitches as part of farm diversification at High Farm in Toft Hill.*

*The design of the holiday accommodation looks to be of high quality and will enhance the offer to visitors to the area. The landscaping and wildlife area proposed will also be beneficial to the local environment.*

*There has not been a single objection submitted to the DCC planning website, and I have received no communications from local residents with any concerns about the proposed development. I hope that it will be approved.'*

Councillor Nicholson informed the Committee that he considered this to be an excellent application which would attract visitors from the A68. Councillor Kay agreed that this was an excellent application adding that there was a paucity of quality accommodation in the area and that this accommodation may be used by visitors to Kynren in the summer.

Councillor Shield, while welcoming the application, questioned whether there was anything in the proposed permission to prevent permanent residency within any of the proposed units. The Senior Planning Officer replied that the proposed Condition 3 was the standard type of Condition to prevent permanent residency and the Planning and Development Solicitor confirmed that this Condition was legally enforceable should it be needed.

Councillor Wilkes informed the Committee that he considered this to be an excellent proposal which had attracted no objection from 30 households in the area.

Councillor Richardson referred to land surrounding the holiday accommodation and asked whether access arrangements had been agreed for tenant farmers.

J Lavender, agent for the applicant, confirmed that prior to submission of the application arrangements had been made with tenant farmers to allow access to their land by separate and alternative accesses.

**Moved** by Councillor Nicholson, **Seconded** by Councillor Laing and

**Resolved:**

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

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/03694/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Installation of Underground Sewerage Storm Tank and Associated Works
<b>NAME OF APPLICANT:</b>	Northumbrian Water Limited
<b>ADDRESS:</b>	Field Belonging To Primrose Side Farm And Directly West Of Bleach Green Farm, Alum Waters, New Brancepeth
<b>ELECTORAL DIVISION:</b>	Deerness
<b>CASE OFFICER:</b>	Chris Shields, Senior Planning Officer 03000 261 394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site (6Hectares (Ha)) is an agricultural field on the southern side of Deerness Valley located 560m to the east of New Brancepeth and 500m to the west of Broompark. The field has a relatively steep slope, dropping from south to north and the levelling out approximately 70m from the River Deerness. The field is used for livestock grazing and is bounded by a post and wire fence with sporadic hedgerow on the northern and western boundaries and slightly denser planting to the south and east. The site is currently accessed via a shared track from Sleetburn Lane (C18 Road), which follows a field boundary for approximately 150m before taking a right angle turn to the south east and curving back to the west in order to reduce the slope gradient.
2. The site is located within the Durham Green Belt and is also designated as an Area of High Landscape Value (AHLV). The Deerness Valley Local Wildlife Site (LWS) is located immediately adjacent to the north and east of the site. Ancient woodland is located approximately 250m to the north west and 260m to the south east of the site. The site is located in Flood Zone 1, although Flood Zones 2 and 3 of the River Deerness are located immediately to the north of the site.
3. The nearest residential properties to the site are Bleach Green Farm approximately 125m to the east, Primrose Side Farm approximately 330m to the south east and the 24 properties (in two groups) at Alum Waters, the nearest of which is approximately 200m to the south west. There are areas of Ancient Woodland located approximately 250m to the north west and 260m to the south east of the site. Footpath No. 79 (Brandon and Byshottles) is located approximately 150m to the east of the access

track and 275m to the east of the site. Footpath No. 66 (Brandon and Byshottles) is located approximately 245m to the west of the site. The nearest listed buildings to the site are the Grade II West Broom House 600m to the north east, Grade II Broom Farmhouse and Outbuildings 750m to the north east and Grade II New Brancepeth War Memorial 1km to the west.

## The Proposal

4. This application has submitted in response to repeat flooding reports from combined sewer manholes, resulting in three pollution incidents to the River Deerness since 2013 and a connection with the death of cattle from Blacks Disease, caused by the ingestion of an organism commonly found in sewage.
5. The proposed solution to the flooding incidents is to store storm flows in an online underground storage tank that would operate automatically under gravity, as and when required during rainfall events. The proposed tank would be a rectangular construction measuring 66m by 30m with a height of 2.1m. The tank would have 2 compartments so that most of the time only a relatively small portion of it would be in use. The compartments would be divided by an internal wall that allow overspill when the larger capacity is required and this would drain out through a valve when the storm waters secede. The tank would be constructed largely below the existing ground level at the appropriate depth to be in line with the existing combined sewerage pipe. Once constructed the tank would be covered over with soils to a depth of between 1m to 5m. The finished landform would 1m to 2m higher than it is at present but would maintain a slope from south to north and could be put back into use for grazing.
6. Access to the site for construction and maintenance would be via the first 150m of the existing shared track from Sleetburn Lane, at which point a new track would be created that would head north and then follow a switchback to negotiate the slope down to the site. The junction with Sleetburn Lane would be widened to improve visibility and the section that continue to provide shared access would be strengthened, widened and regraded to accommodate the construction traffic. Two passing places would also be provided.
7. The routine fill and empty of storm flows and presence of a non-mechanical flow control device at the outlet of the storage tank, means that there will be requirement for maintenance. Routine visits would be conducted by Northumbrian Water operatives and also in the event of failure such as a blockage of the outlet. Blockages would be remotely monitored with the use of depth monitoring equipment, and reactive maintenance teams deployed to unblock the system as and when required.
8. The development would also require the replacement of approximately 300m of concrete sewer pipe with larger capacity pipe. This would be installed through open cuts and follow the line up the existing pipe.
9. It is estimated that construction would take approximately 9 months.
10. This planning application is being reported to the Strategic Planning Committee because it is a major development with a site area of more than 2ha.

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## **PLANNING HISTORY**

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11. No relevant planning history

# PLANNING POLICY

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## 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 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.
17. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
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 and public rights of way; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

#### **LOCAL PLAN POLICY:**

##### The City of Durham Local Plan 2004 (CDLP)

22. *Policy E1 – Durham City Green Belt.* Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
23. *Policy E7 – Development Outside Settlement Boundaries.* Seeks to protect the countryside by signposting to a number of other protective policies within the plan. It advises that planning permission for development outside the settlement boundaries identified on the Proposals Map will only be permitted where it accords with certain policies including Policy U8 which relates to sewage treatment works and sewerage systems. This policy is considered to be consistent with the NPPF, it is not time limited and is up to date and can therefore be given full weight in decision making.
24. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
25. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.
26. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be

avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

27. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternatives sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
28. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
29. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
30. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
31. *Policy Q5 – Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
32. *Policy T1 – General.* Seeks to restrict development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.
33. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
34. *Policy U6 – Pollution Prevention – Anti-Pollution Development.* Planning permission for development aimed at preventing pollution will be permitted where the proposal will not have an unacceptable adverse impact upon the quality of the local environment or upon the amenity of nearby and adjoining land and property.
35. *Policy U8 – Sewage Treatment Works.* States that planning permission will be granted for sewage and water development to allow undertakers to meet statutory obligations provided it is located in relation to drainage system, does not have unacceptable adverse impact on amenity or landscape quality.
36. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable

increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.

#### **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.

*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> (City of Durham Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

38. *Highway Authority* – Has raised no objections to the proposal noting that the entry off Sleetburn Lane would be widened to improve lines of sight, and two passing points installed to maintain vehicular movements from the farms.
39. *Drainage and Coastal Protection* – Has raised no objections to the proposal subject to conditions requiring precise details of surface water management measures.
40. *Environment Agency* – Has raised no objections to the proposal and has provided advice to the applicant in relation to the invasive weed, Indian Balsam, and also the possible requirement for an environmental permit due to the proximity of the site to a main river.

#### **INTERNAL CONSULTEE RESPONSES:**

41. *Spatial Policy* – Has stated that the proposal should be considered against saved policies E7, E10, E16, E18, E19, U6 and U8 of the CDLP. Provisions of the NPPF should be considered as relevant material considerations. While the application site lies within the Green Belt and green belt policy being identified as a restrictive policy in footnote 9 of the NPPF, it is not considered that the two limbed test set out in paragraph 14 of the NPPF is triggered. This is because paragraph 90 of the NPPF outlines certain other types of development or operations which are not considered as inappropriate development and this list includes engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
42. *Archaeology* – Has raised no objections to the proposals.

43. *Landscape* – Has raised no objections to the proposals. Officers commented on the initial scheme that mitigation planting would be required with consideration given to gapping up hedgerows and on site tree planting. In order to maintain the rural appearance it was requested that the access track is, or becomes, a twin track with central grass strip. These details have been subsequently provided and accepted by the Landscape Officer.
44. *Arboriculture* – Has raised no objections to the proposals.
45. *Ecology* – Has raised no objections to the proposal subject to a condition requiring the submitted reinstatement plan to be delivered in full.

#### **PUBLIC RESPONSES:**

46. The application has been publicised by way of press notice, site notice, and individual notification letters. 32 letters of objection have been received. The matters raised are summarised below.
  - Increased flood risk to property.
  - Loss of privacy and amenity (noise, odours, security) during the 42 week construction phase and future maintenance of the proposed facility.
  - Damage to the priority habitat on which the proposed works will take place.
  - Unproven viability of the proposed solution.
  - Lack of consideration of alternative solutions to the perceived problem.
  - The proposed solution is not commensurate with the perceived problem.
  - Impact on local traffic flows and congestion, and safety concerns regarding access to properties.
  - Potential impact on personal health arising from the proposed works.
  - Damage to properties from the proposed works.
  - Loss of property value.
  - Increased security risk to residents and property.
  - Documents submitted by Northumbrian Water ("NWL") in support of the application contain inaccuracies, are incomplete in various respects, and have been made obsolete by later amendments to their plans.
  - Belief that the size of the project justifies full planning committee consideration rather than delegated powers.

#### **APPLICANTS STATEMENT:**

47. The scheme at Primrose Side Farm which includes a storage tank, flow control structure and upsizing of pipe work in the sewer network has been developed to address repeat flooding incidents from two manholes NZ23419501 and NZ23413701; These manholes are located upstream and downstream of Bleach Green Farm.
48. The Environment Agency are closely monitoring this issue as sewage from the network is leeching into the river Deerness resulting in Category 3 pollution incidents and in addition this pollution incident has been linked to the death of cattle from Blacks Disease.
49. The location and design of the storage tank has been carefully considered and must be located between MH 501 and 701 to protect against incapacity in this section of the sewer network.

50. This scheme will protect the environment from flooding for storm events classified up to 1 in 40 and for 1 in 100 year events only a small amount of sewer flooding will occur at the same manhole locations as currently noted.
51. All works will be below ground with the exception of the extension of an existing access track required for maintenance and a minor re-profiling of the ground over the tank and to create a bund to deflect any changes to surface water flow paths.
52. As part of the consultation process Northumbrian Water have addressed concerns raised by the council officers. These can be summarised as follows:
- **Landscape** - accepting that the extended access track should be a farm track with central grass strip and permeable surface;
  - **Highways** - taking on board comments from officers as to the design of the upgraded entrance;
  - **Ecology** - providing a mitigation plan introducing a wider range of species in hedgerow and meadow reinstatement; and
  - **Surface Water** - producing a detailed Flood Risk Assessment and providing appropriate mitigation for changes to surface water flow paths.
53. All council officers consulted as part of this application are now supportive of the proposal.
54. In addition, appropriate measures will be taken during the construction phase of work to protect landowners and near neighbours of the site. These measures will include appropriate screening on the site boundary, a banks man to manage site and local traffic and noise and dust suppression measures as required. A Construction Management Plan has been prepared for consideration by officers. Details of Northumbrian Water Groups (NWG) Operational and Maintenance arrangements will also be provided.
55. Northumbrian Water has noted the concerns of local residents and customers and has sought to address these concerns prior to and during the planning process. We have met with Mr and Mrs Charlton and their representatives on a number of occasions and will continue to liaise closely with all stakeholders and near neighbours of the site to minimise disruption.
56. NWG has a statutory obligation to address the existing sewer flooding in this area, has engaged pro-actively with the council, the Environment Agency, the land owner and other near neighbours of the site and stakeholders to develop this robust solution and has demonstrated that this scheme meets all planning requirements.

*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=OZ5PZHGD0A000>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. 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, landscape and visual impact, layout and design, highway

safety and access, ecology, residential amenity, flood risk and drainage, and other matters.

## The Principle of Development

58. The key issues to consider in relation to the principle of this development are the suitability of the proposal, development in the open countryside and development in the Green Belt.
59. The proposed storm tank would provide a flood relief mechanism for the existing combined sewer system in the Deerness Valley. The existing system does not have sufficient capacity to cope with storm events and pollution incidents have occurred. The tangible result of this is that livestock grazing the land around the sewer have been poisoned.
60. CDLP Policy E7 advises that planning permission for development outside the settlement boundaries identified on the Proposals Map will only be permitted where it accords with certain policies including Policy U8, which relates to sewage treatment works and sewerage systems. Policy U8 supports development that would allow sewerage undertakers to meet their statutory obligations provided that it is suitable located in relation to the drainage system, would not have an adverse impact upon neighbouring occupiers, the landscape or areas of nature conservation importance. CDLP Policy U6 is supportive of development aimed at preventing pollution where the proposal would not have an unacceptable adverse impact upon the quality of the local environment or upon the amenity of nearby and adjoining land and property. Policies E7 and U8 are considered to be consistent with the NPPF and can therefore be given full weight in decision making. Policy U6 is considered to be partially consistent with the NPPF as the principle are consistent but more detailed guidance is provided in the NPPF and PPG.
61. The application site was identified as being the most suitable location due to the topography of the land, the point at which peak flows are experienced and proximity to residential properties. The existing combined sewer pipe follows a west to east path across the site with a gravity fed flow in that direction. The pipe is below ground through the application site and emerges above ground to the south of Bleach Green Farm. The proposed tank would be located between two manholes in the sewer pipe where flooding has occurred. The proposed tank has been designed with a capacity to cope with 1 in 20 year storm water flows for up to 100 years. Modelling has demonstrated that the tank would meet this criteria and would also afford protection for the upstream manhole in the event of 1 in 100 year storm with only a minor overflow of the downstream manhole.
62. The proposed development would significantly reduce the risk of sewerage flooding from the existing sewer system. The proposed location of the development is dictated by the site topography and the point at which flooding issues have occurred. The development, once completed, would operate passively and, being below ground, would have negligible impact on the surrounding environment. Detailed consideration of the impacts of the proposal on adjoining land and property are set out later in this report, however, the development is considered to accord with Policies E7, U8 and U6.
63. The application site is located within the Green Belt. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 80 that the Green Belt serves five purposes; these being to check the unrestricted sprawl of large built up areas, prevents neighbouring towns merging, assist in safeguarding the countryside from encroachment, preserve the setting and special character of historic towns and to assist in urban regeneration. At Paragraphs 89 and 90 it states that the construction of new

buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, and at Paragraph 87 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in “very special circumstances”.

64. CDLP Policy E1 relates to the Green Belt in general and, in similarity to NPPF Paragraphs 89 and 90, establishes the forms of development that are considered appropriate. However, Policy E1 is considered only partially consistent with the NPPF as it is more restrictive than the guidance within the NPPF which introduces a wider scope of development that can be considered appropriate in the Green Belt. As the Policy is partially consistent with the NPPF it can be attributed some weight in the decision making process.
65. The NPPF establishes that one of the exceptional circumstances when development in the Green Belt is not inappropriate (and thereby acceptable in principle in the Green Belt) are engineering operations, provided they preserve the openness of the Green Belt. A number of other factors are capable of being relevant, in a specific case, when considering whether a development impacts upon the openness of the Green Belt. The openness of the Green Belt has a visual dimension to it but a development can cause no visual intrusion and still impact upon openness if that land is no longer free of built development. A prominent consideration can also be how built up the Green Belt is now and how built up it would be if development occurs.
66. The proposed storm tank would be a large concrete structure on the path of an existing sewerage pipe that is below ground at the proposed site (it emerges above ground further to the east). The proposed tank would be dug into the hillside in order to achieve the necessary gravity flow within the existing sewerage infrastructure and once completed it would overlain with soils and reseeded to grass. The completed development would modify the landscape but the visual appearance would not be significantly different from the current situation and the openness of the Green Belt not impacted.
67. It is therefore concluded that the proposal would not impact upon the openness of the Green Belt would therefore not constitute inappropriate development in the Green Belt. In addition the underground storm tank would effectively sterilise the land above it and immediately surrounding from development, thereby assisting in preserving the openness of this part of the Green Belt. The proposal would therefore not conflict with CDLP Policy E1 and Part 9 of the NPPF.

#### Landscape and Visual Impacts

68. Though the above discussion considers the impact of the development in the context of the Green Belt, consideration must also be had to the acceptability of the development in more general landscape and visual impact terms. In addition to being with the Green Belt the site is also within an Area of High Landscape Value (AHLV).
69. The proposed development would involve the construction of a large (66m by 30m by 2.1m) concrete tank with an associated access track. The proposed tank would, once completed, be entirely below ground with the field reseeded to grass. The evidence of the tank being there would be a change to the ground profile, the retained access track and manhole access points. The development site would be noticeable during the construction period as there would be a substantial excavation. Construction would last for an estimated 9 months.
70. CDLP Policy E10 seeks to resist development that would have an adverse impact on the quality or appearance of the AHLV and requires that development respects the

character of its setting in terms of its siting, design, scale, materials, landscaping, protection of existing landscape features and relationship with nearby buildings. Policy E10 is considered to be partially consistent with the NPPF as it does not recommend creating local landscape designations but does acknowledge the need to protect valued landscapes and can be attributed some weight in the decision making process

71. CDLP Policy E15 seeks to encourage tree and hedgerow planting, particularly in urban fringe areas (amongst others). This is supported by CDLP Policy Q5 that requires all new development which has an effect on visual amenity to incorporate a high standard of landscaping. Policies E15 and Q5 are considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
72. Landscape officers have assessed the proposal and consider that the principle of constructing the underground tank at the proposed site would be acceptable. Officers note that some hedgerows would need to be removed to allow for the construction of the new, and upgrade of the existing access track. To mitigate for the loss of trees and hedgerows during construction it was requested that a planting specification be submitted for replacement trees and 'gapping up' existing retained hedgerow in the vicinity of the development. In addition, it was requested that the new section of access track be constructed as a double track with a central grass strip so that it would be more in keeping with the agricultural landscape.
73. The applicant has submitted a reinstatement plan for the site setting out details of hedgerow removal and replanting / gapping up. Details have also been received of the new access track showing that it would have the requested double track design with central grass strip. Landscape officers have confirmed that the submitted details are acceptable. The compensatory hedgerow planting would mitigate and improve the appearance of the site in accordance with Policies E15 and Q5 and Part 11 of the NPPF. The storm tank and access track would integrate into the landscape without significant detrimental impact to the AHLV in accordance with CDLP Policy E10.

#### Highway Safety and Access

74. The site would be accessed via a shared track from Sleetburn Lane (C18 Road), which follows a field boundary for approximately 150m. At this point a new access track would be created to serve construction and maintenance traffic for the proposed storm tank and this would. The proposed new track would head north west past the site and then loop back to reduce the slope gradient before terminating at the location of the proposed storm tank. The site entrance would be upgraded by significantly widening the junction with the C18 with greater visibility to the east. The track would be widened to allow vehicles to pass; resurfaced and strengthened to support the weight of construction traffic. The existing livestock gate would be replaced with 2 sets of double gates to create a corral arrangement to ensure livestock would not be at risk of escape during arrival and exit of site traffic. The section of new access track would be created as a 'double track' at the request of the Councils Landscape officer in order to maintain the agricultural appearance of the landscape to views from the north.
75. CDLP Policy T1 seeks to restrict development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property. Part 4 of the NPPF supports the safe operation of the highway network but states that development should only be prevented or refused where the residual cumulative impacts of development are severe.
76. The proposal would result in increase in vehicle movements on the C18 road and using the site access during the estimated 9 month construction period. However, the improvements to the junction with the C18 and the access track would be permanent,

providing a long term benefit for farm access and for the residents of Bleach Green Farm. Highways officers have raised no objections to the proposals and it is considered that the concerns raised through the public consultation in relation to traffic flows and safe access have been adequately addressed. It is therefore considered that the proposal would accord with CDLP Policy T1 and Part 4 of the NPPF.

## Ecology

77. The application site is an agricultural field that is currently in use for cattle grazing. The Deerness Valley Local Wildlife Site (LWS) is located immediately adjacent to the north and east of the site and there are areas of Ancient Woodland located approximately 250m to the north west (not named) and 260m to the south east of the site (Primrose Site). There are no ecological designations within the site itself.
78. CDLP Policies E16, E18 and E19 seek to protect sites of nature conservation importance, and protected species and their habitats whilst seeking to promote the creation of habitats within developments. Policies E16 and E19 are considered consistent with the NPPF while Policy E18 is considered to be partially consistent as the exception test for permissible development set out in the policy differs from that set out in the NPPF and so can be afforded full and limited weight in the decision making process.
79. The direct impact of the proposed development would be the permanent loss of agricultural land for the access track and temporary loss of agricultural land for the storm tank, which would be reinstated following the completion of construction. The wider impacts of the proposal would be the potential for impact upon priority habitats bordering the site within, and in close proximity to the LWS. The submitted Botanical Survey Report stated that priority habitats would be likely to be affected by the proposal. Ecology officers initially objected to the proposal as it was not clear what mitigation or compensation would be in place to offset the potential harm to biodiversity. Members of the public have also objected on the basis of impact to wildlife and priority habitat.
80. However, the applicant produced and submitted a reinstatement plan that details where hedgerow and trees would be lost and where planting would occur to 'gap up' the remaining hedgerow and also details areas to be sown with wildflower seed mix. The areas of Ancient Woodland in the vicinity of the site are sufficient distance to not be impacted by development. The Council's Ecology officer has assessed the mitigation proposals and considers that the submitted reinstatement plan is sufficient to compensate for the impact to the LWS and raises no objections subject to the proposed planting works being required by condition. It is considered that proposed planting works would address the concerns of the public and accord with CDLP Policies E16, E18 and E19 and Part 11 of the NPPF.

## Residential Amenity

81. The nearest residential properties to the site are Bleach Green Farm approximately 125m to the east, Primrose Side Farm approximately 330m to the south east and the two groups of 24 properties at Alum Waters, the nearest of which is approximately 200m to the south west. Of these, Bleach Green Farm is most likely to be impacted by the development due to the proximity to the development and intervisibility. Objections to the scheme have raised issues of noise, odour and security.
82. CDLP Policy U5 seeks to restrict development that may generate pollution if it would result in an unacceptable adverse impact upon the quality of the local environment, the amenity of nearby and adjoining land and property or would unnecessarily constrain the development of neighbouring land. Policy U5 is considered to be partially consistent

with the NPPF as the principle are consistent but more detailed guidance is provided in the NPPF and PPG. In addition, Policy U8 reflects the requirements of U5 specifically in relation sewage treatment works.

83. In respect of noise, the proposed underground storage tank has no mechanical or electrical equipment, and would fill and empty under gravity. There would be no change to existing flow rates and it is therefore considered that noise levels from the operation of the new storage tank and pipeline would not exceed existing background noise levels, matching the existing system which is inaudible.
84. During construction, temporary noise effects on local receptors are possible, through the use of plant and machinery, and from construction vehicles as such excavators and cranes. These would be controlled and managed through the implementation of a construction management plan (CMP) and be secured through condition.
85. In respect of odour the replacement pipeline and new storage tank have been proposed with the aim of relieving the pressure on the existing sewer and preventing the flooding of sewage from combined sewer manholes. The proposed works should therefore, also provide relief from any odours arising from flooded sewage. The new storage tank will be sealed and buried underground. The storage tank would incorporate lockable and sealed access covers which would prevent any potential odour emissions during operation. The access covers would only be opened for short periods of time, during routine inspections and maintenance. During the construction, flow rates within the sewer network would be maintained via overpumping and temporary by-pass diversion to mitigate standing sewerage and avoid septicity and odour issues.
86. It is considered that the proposal would not result in an increase in noise emissions due to the passive nature of its operation and, by reducing the flooding events, it would provide a positive impact in terms of odour reduction. The proposal is therefore considered to accord with Policies U5 and U8 and Part 11 of the NPPF.

#### Flooding Risk and Drainage

87. 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.
88. CDLP Policy U10 seeks to restrict development in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition. Policy U10 is considered to be partially consistent with the NPPF as the principle are consistent but more detailed guidance is provided in the NPPF and PPG.
89. 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 proposed working area is shown to be within an area subject the surface water flooding, associated with the River Deerness, and confirmed during the Botanical Survey (August 2017) with the identification of wet and marshy grassland areas. However, the FRA identifies that proposed development is 'water compatible' meaning that it would be

appropriate for location in principle within all flood zones. The FRA goes on set out the scope of the development and potential sources of flooding including fluvial flood risk from the River Deerness, surface water, groundwater and sewage.

90. Objectors to the proposal have raised concerns in relation to flooding of the site being exacerbated by the storm tank and the access track, particularly in relation to surface water flooding of the neighbouring property, Bleach Green Farm.
91. In relation to fluvial flood risk the FRA sets out that the site is within Flood Zone 1 and is at a low probability of flooding and also notes that as the storm tank would be more than 8 metres from the main river an environmental permit would not be required for the works. In relation to surface water flood risk the applicant has modelled surface water flows and, to divert flow away from Bleach Green Farm, a bund is proposed on the eastern edge of the site. This would direct surface water runoff from the development site toward the River Deerness. Groundwater levels around the site have been monitored as part of the hydrogeological assessment. This assessment has considered the displacement and diversion of groundwater in respect of the proposed storm tank and the potential impact to land, property and the River Deerness. Groundwater volumes for the site have been found to sufficiently low to not impact on surface water or river flows. In respect of sewage, the proposed storm tank has been designed to manage water flows for 1 in 20 year events but has also been modelled for 1 in 100 year events where there would only be a small overflow from a downstream manhole, in accordance with its design and not sufficient to cause flooding.
92. The Environment Agency and the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. The concerns raised by the neighbouring residents have been fully examined and it is considered that the proposed development would not result in an increased flood risk to Bleach Green Farm. The proposal is therefore considered to accord with CDLP Policy U10 and Part 10 of the NPPF

#### Other Matters

93. The site is located within a Coal Mining Development Low Risk area and as such an informative would be provided as part of any planning permission to advise the applicant of this designation.
94. CDLP Policies E23 and E24 seek to protect listed buildings, ancient monuments and archaeological remains. The nearest heritage assets to the application site are the Grade II West Broom House 600m to the north east, Grade II Broom Farmhouse and Outbuildings 750m to the north east and Grade II New Brancepeth War Memorial 1km to the west. Archaeology officers have raised no objections to the proposed development. It is considered that there would be no harm to designated heritage assets given the proposed development is not within the setting of a designated heritage asset and it does not affect the significance of any heritage assets given the distance from the application site and intervening topography, planting and built development. It is therefore considered the proposals would not conflict with CDLP Policies E23 and E24 and would not conflict with Part 12 of the NPPF. Policies E23 and E24 are considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
95. The residents of Bleach Green Farm have raised concern that their property value would be diminished by the proposed development. Impact on property values cannot be taken into account when determining planning applications, although amenity can be assessed and has been considered earlier in this report. Notwithstanding this, the improvements to the site access and control of pollution incidents in the vicinity of the

site should improve the accessibility and amenity value of the impacted property. Concerns have also been raised in relation to inaccuracies in documents submitted as part of the planning application. The latest plans and documents have been published to the Council's website and it is considered that they are an accurate representation of the scheme.

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## **CONCLUSION**

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96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.
97. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances Paragraph 14 of the NPPF advises that the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay (unless material planning considerations indicate otherwise). Likewise, and in accordance with Paragraph 12 of the NPPF, development which conflicts with a development plan should be refused unless, again material planning considerations indicate otherwise.
98. The proposed development would provide a much needed solution to resolve flooding and pollution incidents from the existing sewer system. The development would be passively operated and in line with the existing system with access points sealed except for maintenance. The proposal would accord with development plan policies in terms of principle, pollution control and Green Belt.
99. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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That the application is **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 and any recommendations and mitigation measures contained therein:

Plans:

Drawing No. 41523603/01/C4003 rev.C 'New Site Layout and Pipeline Profile Sheet 3 of 3'

Drawing No. 41523603/01/G0006 rev.C 'New Site Entrance'

Drawing No. 41523603/01/G0001 rev.C 'Overall Site Layout and Access route'

Drawing No. 41523603/01/C4004 rev. C 'New Site Layout and New Storage Tank Plan and Sections'

Reinstatement Plan Mark Up 25-01-2018

Documents:

Planning Design and Access Statement – Alum Waters – SN016/0251

Flood Risk Assessment – Alum Waters – SN016/0251

Botanical Survey Report Version 1.0

*Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to City of Durham Local Plan Policies E1, E7, E15, E16, E18, Q5, U6 and U8 and Parts 4, 7, 9, 10 and 11 of the National Planning Policy Framework.*

3. No development shall take place until a Construction Management Plan has been 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 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;
- 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 whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- 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 operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, 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;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan 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: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to City of Durham Local Plan Policy U8 and Part 11 of the NPPF. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.*

4. The proposed development shall be carried out in full accordance with the biodiversity mitigation and enhancement measures set out on the Reinstatement Plan Mark Up 25-01-2018. For the locations where we will be gapping up existing hedgerows use 'Easywrap (Tubex) hedging guards' 0.6m height x 50mm diameter secured with a bamboo cane 90cm height. Where the cattle are present and for the longer length of hedgerow we will need to install stockproof fencing – post and wire C8/80/15 fencing.

*Reason: To mitigate the impact of the proposal on biodiversity in accordance with City of Durham Local Plan Policies E16, E18 and E19 and Part 11 of the National Planning Policy Framework.*

5. Prior to the commencement of development precise details of surface water control measures shall be submitted to the Local Planning Authority for approval in writing. The design of the control measures shall be supported by details of flood flow analysis during 1 in 100 year storm frequencies. The approved design shall be implemented and completed as part of the construction works prior to the development being brought into use. The surface water control measures shall be maintained in perpetuity.

*Reason: To ensure that neighbouring land and property is not adversely impacted by surface water flooding in accordance with City of Durham Local Plan Policy U8 and Part 10 of the National Planning Policy Framework. Required to be a pre-commencement condition as these details are required to inform development works.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

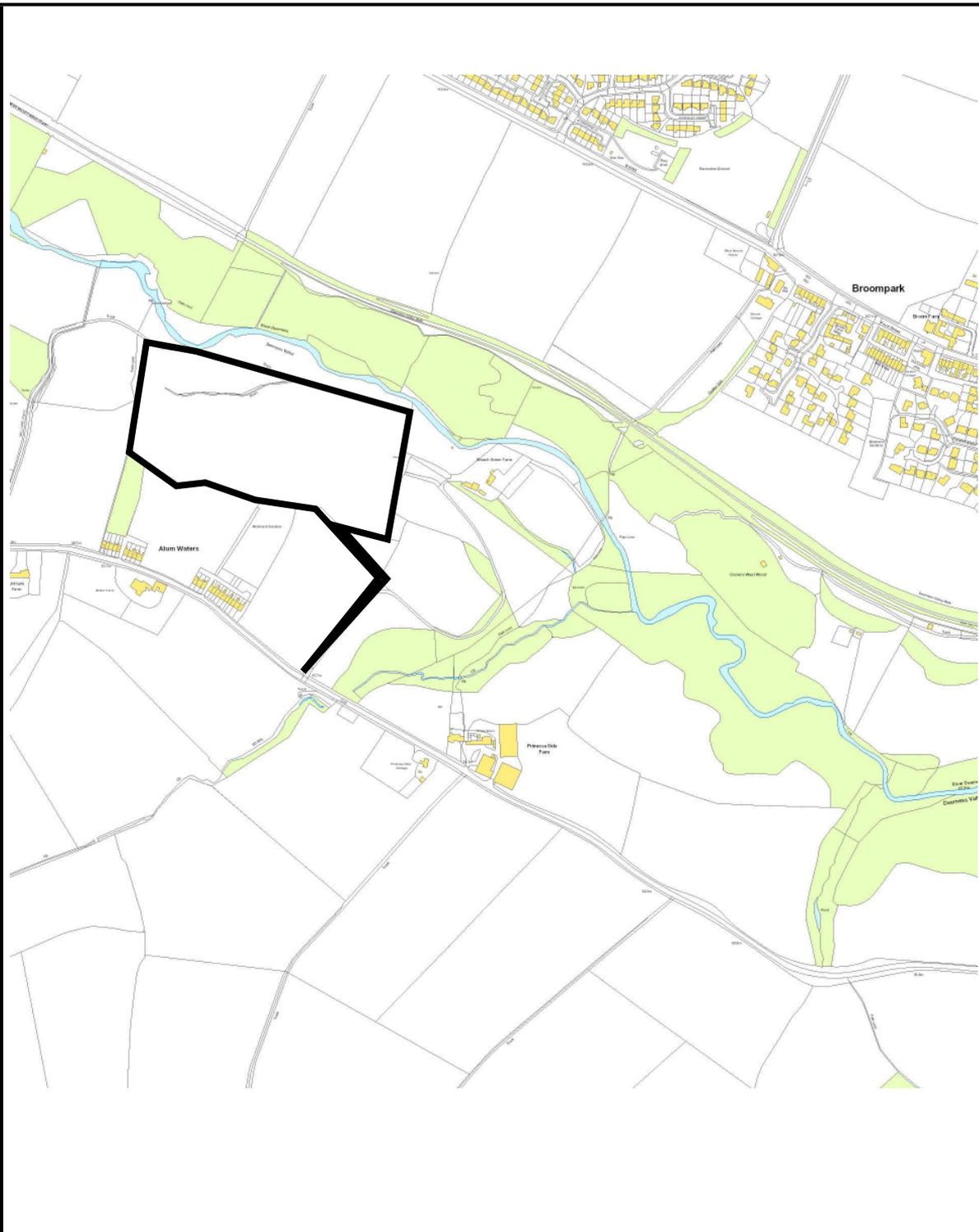
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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- City of Durham Local Plan 2004

- Statutory, internal and public consultation responses.



 <p><b>Planning Services</b></p>	<p>DM/17/03694/FPA</p> <p>Installation of Underground Sewerage Storm Tank and Associated Works at Field Belonging To Primrose Side Farm and Directly West Of Bleach Green Farm, Alum Waters, New Brancepeth</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><b>Comments</b></p>	
	<p><b>Date</b> April 2018</p>	<p><b>Scale</b> Not to scale</p>

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/04035/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Replan of part of Phase 1 of permission DM/17/01213/VOC comprising 47 dwellings, incorporating 12 additional dwellings (Total of 106 dwellings on Phase 1)
<b>NAME OF APPLICANT:</b>	Avant Homes
<b>ADDRESS:</b>	Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW
<b>ELECTORAL DIVISION:</b>	Chilton
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located on the southern edge of Chilton, and is currently being developed for housing by Avant Homes under approvals DM/16/03397/FPA and amended under application DM/17/01213/VOC. These applications granted a total of 184 dwellings (94 with detailed permission and 90 in outline form). Approximately 25 units have currently been constructed and 5 occupied.
2. The wider site extends to 7.8 hectares and is 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 taken. 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 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. The site has been subject to an Agricultural Land Classification survey, and is considered to be Grade 3b.

## The Proposal

4. This application seeks planning permission to replan the first phase of the development approved under application DM/17/01213/VOC. This involves the introduction of new house types known as the 'Bridge Range' and a replanning of the layout to provide 12 additional units to the 94 already approved, resulting in a total of 106 dwellings within phase 1.
5. The scheme was amended during the course of the application and proposes that the approved road layout in phase 1 would be retained, which is largely implemented, whilst the re-plan would be largely confined to three development cells in the south western corner of the site. The proposed scheme would replace 23 detached and 10 semi-detached dwellings with 20 semi-detached and 27 link/terraced properties.
6. The sole vehicular access for the development would remain off the A167 on the western site boundary. Once the approved access has been implemented a priority T junction with a protected right turn into the site and a pedestrian/cycle crossing island would be created. The existing 40mph would be relocated further south on the A167 along with a traffic island gateway feature and count down road markings. A new northern bound bus stop layby would be created to the north of the site entrance. A pedestrian/cycle access would be retained as approved on the western boundary.
7. The re-plan would not materially affect the approved areas of open space central to the site, and the SUDs drainage system would be located adjacent the southern boundary. 10% of the dwellings proposed for the site as a whole would be offered on an affordable basis with 8 provided in phase 1 and the remainder in phase 2.
8. This planning application is being reported to County Planning Committee because it forms part of a major residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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9. A Hybrid application secured planning permission for the erection of 92 dwellings and outline element for up to further 90 dwellings.(ref DM/16/03397/FPA)
10. Planning permission was granted to allow an amendment to this permission to allow the substitution of house types, the introduction of an additional 2 units and discharge of planning condition pursuant to the original permission. (ref DM/17/01213/VOC)
11. Both planning permissions have been implemented on site.

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## **PLANNING POLICY**

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### **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.
19. *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.
20. *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.
21. *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>

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; 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

23. *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.
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 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 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.
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 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 relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Sedgefield Borough Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

36. *Highways Authority* – No objection is raised following amendments to the parking provision of the plots which would now comply with DCC guidelines. It is advised that the increase in the number of dwellings by 12 would not materially affect traffic flow or the level of mitigation secured under previous applications in relation to Rushyford Roundabout (£104,400.) It is however advised that this permission should be tied to

the obligations of the previous application including the requirement to implement the access arrangements on to the A167.

37. *Coal Authority* – No response received in relation to this application. It has been previously advised that the site does not fall within development high risk area and therefore standing advice would apply
38. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition.
39. *Drainage and Costal Protection* – Advise that a detailed scheme has been approved to deal with the attenuation of surface water from the site through SUDS. It is advised that minor amendments would need to be made to this to reflect the increased number of units.
40. *Highways England* – Offer no objection, advising that the increase in numbers would not material affect the operation of the A689/A1M junction over and above the approved scheme.
41. *Natural England* – Offer no comment on the application, advising that the scheme should be assessed in accordance with standing advice and in accordance with the Councils own ecology service.

#### **INTERNAL CONSULTEE RESPONSES:**

42. *Landscape* – Raise concerns regarding the potential impact of the re-plan on 4 mature trees to the south of site, which are considered landscape features. Concerns are raised regarding the removal of hedging to facilitate the approved layout.
43. *Landscape (Arboriculture)* – Highlight that the submitted layout would place dwellings within the root protection areas of trees on the southern boundary.
44. *School Places and Admissions Manager* – Advise that an additional 12 units could produce 4 pupils of primary school age. Taking into account the pupils generated in the original application there would not be sufficient space to accommodate the additional pupils over. A contribution of £58,064 is sought over and above the amounts secured to mitigate the impacts of the development. There are sufficient secondary school places available to accommodate pupils from this development.
45. *Housing Delivery* – Advise that the proposed 10% affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
46. *Ecology* – Raise no objection. Officers advise that the submitted ecology assessments submitted in support of the original application are sound and there are no protected species on site. In line with the original permission given the minimal mitigation proposed on site an offsite contribution of £33,165 is sought to deliver targeted biodiversity enhancements in the area.
47. *Design and Conservation* – Raise concerns regarding the increase in the number of units and the increase in density which created a car dominated street scene at ods with the original approval for the site.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that the mitigation secured under the original application is carried over to this site. A condition requiring a verification report to be submitted is recommended.

49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the approved acoustic mitigation strategy should be implemented within the amended layout. Conditions in relation to the compliance with a construction management plan should be carried over. It is highlighted that a chicken farm is located in proximity to the site, which at times may produce odour.
50. *Archaeology* – Advise that a geophysical survey and trial trenching evaluation were carried out and the reports submitted in support of the previous application. They characterised the archaeological remains on site and the significance and impact were found to be low no objections to these proposals on archaeological grounds are therefore raised.
51. *Access and Rights of Way* – No objections are raised. It is noted that there are no registered rights of way within to the proposed development site. However, officers consider that opportunities for improving the surrounding public rights of way network should be considered due to increased usage.
52. *Sustainable Transport* – Advise that the approved travel plan should be implemented in relation to additional dwellings along with the approved access arrangements including public transport infrastructure. A 3m shared use path link is encouraged from the development site onto Durham Road. It is also requested that a footpath link should be provided to the south bound bus stop down Durham road.
53. *Employability Section* – Request that targeted recruitment and training clauses are included within the agreed S106 planning obligation are carried over onto this scheme.

#### **NON-STATUTORY RESPONSES:**

54. *Police Architectural Liaison Officer* – Raises concerns regarding the use of parking courts and long enclosed footpaths.

#### **PUBLIC RESPONSES:**

55. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents, no letters of objection have been received.

#### **APPLICANTS STATEMENT:**

56. The subject planning application falls within the boundary of an approved Reserved Matters application for residential development in Chilton, County Durham. The proposals seek to replace 32no. of the approved plots with 52no. smaller 2, 3 and 4 bed units from Avant Homes' new Bridge Range.
57. Avant Homes' 'Bridge Range' has the same design principles as their mainstream product but is aimed at a wider customer base at the entry level of the housing market. Market research undertaken by Avant Homes has shown there is a strong demand for this type of product in the local area, with a lower average selling price, for the following reasons:
  - The provision of more 2 and 3 bedroom homes will offer a product size that is considered to be most appealing to first time buyers and young families;
  - The provision of more 2 and bedroom entry level homes gives a greater opportunity for new and existing residents to purchase the property type whilst

ensuring a high level of design and residential amenity is established and retained;

- Unlike with second hand homes available on the general market, first time buyers of brand new homes will be able to qualify for the Government's Help to Buy scheme which enables them to buy a home with a very low deposit and with reduced mortgage payments. For many first-time buyers and young families wishing to stay in Chilton where they have grown up, this is the only way to get onto the housing ladder.
- With the proposed new product starting from only £125,000 first-time buyers will be able to purchase a new home and get on to the housing ladder through the Help to Buy scheme for as little as £100,000

58. The application has sought to maintain the design principles set out in the approved application and will consist of a semi-rural vernacular using a variety of brick types but predominantly buff brick and grey roof tiles with minimal use of render of added texture – reflective of the site's 'edge of settlement character area'. This will ensure delivery of a high quality, sustainable and attractive development.

59. Further to the above, we also wish to highlight that the 'Bridge' product specifically aligns to paragraph 72 of the draft revisions to the National Planning Policy Framework. This explicitly requires Local Planning Authorities to make sufficient provision for entry-level homes on sites such as this one. Whilst still subject to consultation, this is a clear indication of the focus on a greater level of provision of entry level homes at a national level – reflective of the significance of the shortage of high quality entry level homes across the country.

- In addition to the above, the following benefits will also be delivered through approval of this application:
- An additional £50,000 in local education contributions will be provided to the Council through the proposed development (in addition to education contributions already agreed through the existing consent) – therefore increasing the financial contribution from £440,160 to £498,224. This is not an insignificant contribution, and will be secured through a new S106 agreement;
- An additional contribution towards off-site open space of approximately £10,000 (in addition to the contributions secured through the existing consent) will be made to the Council – increasing from £114,180 to £122,507 and this will also be secured through a new S106 agreement;
- Fully policy compliant with the provision of 10% affordable housing being provided on site, with negotiations at an advanced stage with a recognised Registered Provider;
- Landscape buffers on the west and southern boundaries of the site will be maintained to protect the settlement edge;
- Promotion of a landscape-led approach which integrates a high quality green/blue framework;
- Maintenance of the existing approved road design and connections; and
- Ensuring ecological enhancements are maintained as previously approved.

60. Cognisant of the above, it is clear that the proposed amendments to part of Phase 1 of the site offer a significant number of benefits for new and existing residents. The proposals will deliver a wider choice of unit types with a greater proportion of smaller and entry-level products to meet the identified market demand for this type of housing in this location. Delivery of the proposed development will ensure prospective first-

time buyers and young families have access to a more readily available supply of high-quality and affordable entry level housing in Chilton.

61. We trust this provides clarity on the reasoning and justification for the proposed amendments to this part of Phase 1 of the application site. Avant Homes has worked proactively with the Council's Planning Department as this planning application has progressed to ensure the proposals will work for the developer as well as for the new and existing residents of Chilton alike. Accordingly, in the context of national and local planning policy and the positive recommendation from the Council's Planning Officer, we respectfully request that the Council grants planning permission for the proposed development without delay.

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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62. 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 appraisal, layout and design, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, heritage impacts and planning obligations.

### The Principle of Development

63. The principle of developing the site for housing has been established under planning applications DM/16/03397/FPA and DM/17/01213/VOC, which permitted the erection of 184 dwellings in total, of which 94 were approved in full, with the remainder in outline form. The detailed elements of these permissions have been implemented on site, with approximately 25 units being constructed (of which 5 are occupied) along with a large part of the highway infrastructure. This application simply seeks to re-plan part of phase 1 of the site, to introduce 12 additional dwellings overall. This planning permission would sit in alongside approvals for the implemented permissions. It is therefore considered in this instance it is not necessary, and also beyond the scope of this application, to revisit the principle of residential development on the site.
64. Notwithstanding this, in line with the previous applications, policies for the supply of housing within the SBLP are also not relevant to this proposal, by virtue that Policy H8 only relates to developments within settlement limits and Policy E9 (protection of the countryside) is not a saved policy. Therefore, the development plan is considered absent/silent in assessing the principle of the development of the site and in line with the previous planning applications, the acceptability of the development largely rests on the NPPF Paragraph 14 tests. This requires a balance of 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

65. In the original planning application it was concluded that Chilton has a reasonable array of services and facilities, largely adequate to serve the approved development, and that these are within relatively easy reach of the site. It was also concluded that the development would be of a scale commensurate with the role of Chilton in the settlement hierarchy. It was also considered that the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and SBLP Policies D1, D2 and D8 which are considered consistent the NPPF in this respect and can be given full weight in the decision making process.
66. In relation to this amended scheme it is considered that the erection of an additional 12 units does not alter the conclusions reached within the original and subsequent approvals. Therefore, subject to the implementation of the approved footpath links, and access arrangements the locational sustainability of the site remains acceptable in accordance with relevant NPPF and SBLP policies. Further to this, this scheme, as secured under the highways S.278 of the Highways Act, proposes a 3m wide multi-user link to the south bound bus stop and cycle way running down Durham Road.

## Landscape and Visual Appraisal

67. In consideration of the original scheme it was identified that the scheme would result an incursion of built development into attractive open countryside south of Chilton and would entail an increased degree of coalescence between Chilton and Rushyford. It was also identified that this 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. Overall, it was concluded that there would be some residual landscape harm in conflict with Policy E1 of the SBLP, which is considered consistent with Part 11 of the NPPF that would need to be weighed in the planning balance.
68. Although the revised scheme does to a degree create a denser element to the more sensitive southern boundary of the site, it is considered that this would not result in a significant landscape impact over and above that approved. The scheme as amended, largely retains the separation distances from the site boundary and mitigation planting to filter vies of the development would be replicated. The revised scheme would be marginally closer to the 4 mature trees on the southern boundary than approved. However, the dwellings (as amended) would not be located in the identified root protection areas in order to address the initial concerns of the Council's Landscape section. Inherently there would, in the future, be some conflict between the mature trees and the adjacent dwellings through shading and leaf drop, however, in the round this is considered to not be significantly greater than in relation to the already approved layout. The scheme does not propose any amendments to the level of vegetation to be removed to facilitate the access and site lines into the site.
69. Overall, subject to delivering the mitigation planting proposed in the scheme would broadly have the same level of landscape impact as the approved. This established impact and conflict with Policy E1 of the SBLP needs to be weighed in the planning balance.

## Layout and Design

70. 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.

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 consistency significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.

71. In this respect it was concluded in the original application that the design and layout of the proposed development was considered acceptable in accordance with relevant SBLP Policies as well as Parts 7 and 11 of the NPPF. In relation to the revised scheme, as above the, a denser element would be created to the more sensitive southern boundary of the site which, to a degree, is regrettable. However, following amendments made during the course of the application, which result in the loss of 8 units from the scheme, it is considered that the proposed layout is acceptable and would not result in a car dominated frontage and would utilise corner turner units where appropriate. The house types proposed and materials to be used would be commensurate with those already approved on the site.
72. As required by SBLP Policy D9 artistic elements were detailed in the proximity of the site entrance and the amenity space to the east, and it is recommended that these details form part of the approved plans, to ensure their implementation.
73. Overall, it is considered that the re-plan scheme would still deliver an acceptable form of development, in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 7 and 11 of the NPPF

#### Highway Safety and Access

74. 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.
75. This revised scheme would be served by the same highways infrastructure as approved, which has now largely been implemented on site. The Highway Authority has reviewed the amended layout and following amendments, advises that the parking provision is acceptable and would accord with the Council's parking standards. A condition to ensure delivery of the approved access onto the A167 is recommended to be replicated.
76. The original planning permission required a financial contribution towards junction improvements at the Rushyford roundabout, secured by means of a Section 106 legal agreement. It is considered that an additional 12 dwellings would not in itself lead to such an increase in generated traffic that it would require the sum previously secured to be re-visited, particularly, as this scheme of works has been developed and a share of the costs already attributed to other developments in the area. A new planning

obligation secured under Section 106 of The Town and Country Planning Act 1990 (as amended) would be required pursuant to any new planning permission, and this would ensure that the previously contribution of £104,400 ) is secured.

77. Overall, the development would be served by an appropriate means of access and would not have an adverse impact on the wider highway network, subject to the mitigation measures previously secured. The design, layout and parking provision is considered acceptable. The scheme is considered to comply with SBLP Policy D3 and Part 4 of the NPPF in this respect.

#### Residential Amenity

78. SBLP Policies D1 and D3 require 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.
79. The amended scheme is not located in proximity of any existing third party dwelling. In reviewing the amended internal site layout, adequate separation distance are achieved which would protect the privacy and amenity of future residents.
80. In terms of noise, the original 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. Mitigation measures were however approved which included acoustic ventilation. The Council's Environmental Health and Consumer Protection Team have advised that this approved mitigation should be implemented across the re-planned element of the site. In line with the original applications it is highlighted that odours from the adjacent chicken farm may be noticeable at certain times of the year. However, it was concluded that this would not likely result in a statutory nuisance and the application would still comply with SBLP Policies D1 and D5 in this respect. Environmental Health and Consumer Protection Team also advise that the approved construction methodology should be adhered to on this element of the site.
81. With regard to air quality, the original application was accompanied by an air quality survey which found that the impact of the development upon air quality, once occupied, would not be significant, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. It is considered that the erection of an additional 12 dwellings would not significantly increase the number of trips from the site and would therefore not have an impact on air quality thresholds.
82. The scheme would therefore comply with SBLP Policies D1 and D3 and Part 11 of the NPPF and would not have an adverse impact on the amenity of existing or future residents.

#### Ecology

83. 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. Ecology survey and bat surveys were

submitted with the original application, which found that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) were present on the site. An assessment of the site by the applicant's ecologist has found that the conclusions and recommendations within the ecology reports can be considered as still valid in relation to the proposed revised layout. The Council's Ecology Team are satisfied with the submitted information and there would therefore be no impact to protected species.

84. However, it was identified that the development of a greenfield site would have some adverse impacts upon biodiversity interests more generally. Although public open space would be provided which would operate as a wildlife corridor, a contribution of £33,165 was secured by way of a planning obligation secured under Section 106 of The Town and Country Planning Act 1990 (as amended) to provide offsite biodiversity enhancements within the local area. As the physical extent of the site to be developed would not materially change as part of these revised proposals, no further or increased contribution is sought. A revised S106 agreement to link this development to the agreed triggers would be required to ensure this contribution is secured.
85. In line with the original application, and having regard to the proposed mitigation measures, the development is considered to conform to Part 11 of the NPPF in this respect.

#### Flooding and Drainage

86. 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.
87. The original application was accompanied by a Flood Risk Assessment (FRA) which identified that the application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. The approved drainage strategy identified that surface water would be disposed of via a 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 would 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.
88. The Council's Drainage and Coastal Protection advised 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.
89. With regard 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.

#### Ground conditions

90. In relation to land contamination the site is being developed in accordance with an approved Land contamination Strategy. Subject to submitting a verification report at the end of the development, in accordance with Part 11 of the NPPF, the Council's

Environmental Health and Consumer Protection Team raise no objections to this amended scheme.

## Heritage Impacts

91. 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. It was concluded in the original application that there would be no material impact upon designated heritage assets. In terms of non-designated heritage assets, none were been identified within the immediate vicinity of the site, this position has not changed.
92. 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 Council's Archaeology Team has advised that the content of the submitted information, and the methodology used is sound. No further mitigation is required in relation to this matter in accordance with Part 12 of the NPPF.

## Planning Obligations

93. SBLP Policy H19, 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 on site. The applicant agreed to this requirement, in the original application with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended). A deed of variation is proposed to ensure that the minimum 10% affordable units are proposed on the total number of units eventually provided on the site
94. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 which are considered consistent with the NPPF, sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
95. 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. In the previously approved application it was considered that the development could 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. An offsite contribution of £114,180 was secured to deliver outdoor sport and allotment typologies, whilst it was deemed that there was a significant over supply of the parks and gardens typologies within the immediate area.
96. In order to mitigate the impact of the increased numbers of dwellings, taking to account over supply of certain typologies both within the site layout and in the locality an additional contribution of £8,327 would be required, taking the total contribution to

£122,507. This would be secured through an amended S106 agreement. This amended application is considered to be in accordance with SBLP Policy L2 and Paragraph 73 of the NPPF with regards to the provision of public open space.

97. In the original application the Council's School Places and Admissions Manager advises that a development of 192 houses could generate an additional 58 primary pupils and 20 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it was identified that there would not be sufficient capacity in local schools to accommodate a proportion of additional primary school age pupils generated. In order to mitigate the impact of the development in this respect a contribution of £498,224 was secured. Taking into account the increase in number of dwellings proposed, whilst recognising that the approved development has taken up any surplus places, an additional contribution of £58,064 would be required, taking the total contribution of the development to £498,224. The applicant has agreed to this, and this would be secured through a revised planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
98. The original application secured a targeted recruitment and training clause within the S106 planning obligation to meet the request of the Council's Employability officer. This is again proposed in this re-planned element of the development, however, in line with the existing approval, this must be considered a voluntary arrangement.
99. No response has been received from the NHS in relation to GP capacity within existing facilities in the area either in the original or this application.

#### Planning Balance

100. The principle of developing the site for residential purposes has been established under applications DM/16/03397/FPA and DM/17/01213/VOC. However, as set out above 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 planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits.

#### *Benefits*

101. The development would assist in maintaining deliverable housing land supply in the short term at a time when housing supply policies within the SBLP are considered out date. However, in light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one.
102. 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.
103. The development would provide a range of house types including up to 20 affordable housing units which would meet an identified short fall within the County.

#### *Adverse Impacts*

104. 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. This impact as the same as approved.

105. 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. This impact would similar as approved, whilst recognising the density of the development on the southern boundary would increase.

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## **CONCLUSION**

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106. The principle of developing the site for residential purposes has been established under applications DM/16/03397/FPA and DM/17/01213/VOC. This application seeks planning permission to revise the layout of part of the first phase of development and in so doing, introduce an additional 12 dwellings.
107. Notwithstanding this, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF in the absence of relevant SBLP policies. In the absence of any specific policies that indicate development should be restricted, Paragraph 14 sets out that 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.
108. In line with the original approval the adverse impacts have been identified in the form of residual landscape harm and loss of agricultural land. However given the limited visibility in the wider landscape and as the agricultural land is not classed as best and most versatile. For the purposes of Paragraph 14, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing partially when considering the implemented permissions on site.
109. 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 provision of open space and sporting opportunities, the provision of affordable housing, highways mitigation, off site ecology mitigation and mitigation to increase the capacity of local primary schools are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of the following across the whole development site:-

- 10% Affordable housing.
- £122,507 towards open space and sporting provision within the Electoral Division
- £104,400 towards highway infrastructure capacity improvements at Rushford roundabout.
- £498,224 towards increasing the capacity of primary schools in the area.
- £33,165 to deliver targeted biodiversity enhancements in the area.

and 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 in shall be carried out in strict accordance with the following approved plans and documents :

CHI/BR/SI/02 Chilton Bridge Location Plan  
 CHI/BR/SL/01 Rev D - Proposed Site plan  
 CHI/BR/02 - Rev # - Boundary treatment and materials plan  
 CHI/BR/10 - Rev # - Acoustic Requirements Plan  
 CHI/CP/03 Rev A - Chilton Construction Plan  
 Chilton - Bridge Range - Bambridge - Issue 4  
 Chilton - Bridge Range - Knightsbridge As - Issue 4  
 Chilton - Bridge Range - Newbridge As - Issue 5  
 Chilton - Bridge Range - Stourbridge As - Issue 4  
 Chilton - Bridge Range - Weybridge As - Issue 4  
 Geoenvironmental Appraisal – Report no 2589/1 – Dated November 2016.  
 Kerbing, Edging, Footways and Pavements – 11267-RP-001 Rev P05

*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.*

3. The access and highway improvement works as detailed on plans Kerbing, Edging, Footways and Pavements – 11267-RP-001 Rev PO5 shall be carried out in full prior to the occupation of the 10th dwelling hereby approved.

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

4. All tree protection measures indicated within the Arboricultural Impact Assessment ARB/CP/1092 Drawing CH\_CP\_01 Rev B shall remain in place, and in accordance with specification contained within BS 5837:2012, until the cessation of 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 National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

5. Notwithstanding the submitted information, prior to the occupation of the 1<sup>st</sup> dwelling hereby approved a detailed landscaping scheme based on the principles set out in the Landscaping Strategy, 1532-1-7H 120318 – Landscape Strategy Plan 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.

The approved landscaping scheme shall thereafter be undertaken 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 E1, L2 and D1 of the Sedgefield Borough Local Plan and Parts 7 and 11 of the National Planning Policy Framework.*

6. Prior to the construction of the 1<sup>st</sup> dwelling hereby approved full details of the proposed site levels and finished floor levels 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 details.

*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 National Planning Policy Framework.*

7. The development hereby permitted shall only be occupied in accordance with the Framework Travel Plan entitled "January 2017".

*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.*

8. Prior to the construction of the 1<sup>st</sup> dwelling a detailed scheme for the management and disposal of surface water and foul water from the development in accordance with the principles agreed within the Flood Risk Assessment - 16153 Chilton V2 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

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

9. The development hereby approved "shall be carried out only in accordance with the Energy and Carbon Reduction Methods set out in the document "Energy Statement - Energy and Carbon Reduction, Durham Road, Chilton Ref no.007050, Issue 1, January 2017".

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

10. The development hereby approved, shall be carried out only in accordance with the mitigation measures contained within the document "Land East of Durham Road, Chilton - Biodiversity Management Plan for Avant Homes Ltd, April 2017".

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policy E11 of the Sedgfield Borough Local Plan.*

11. 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.*

12. The development hereby approved shall be carried out in full accordance with the Construction Method Statement (Rev E - December 2017) and Construction Layout Plan (CHCP-01 Rev B) as approved in discharge of condition application DM/17/00109.

*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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

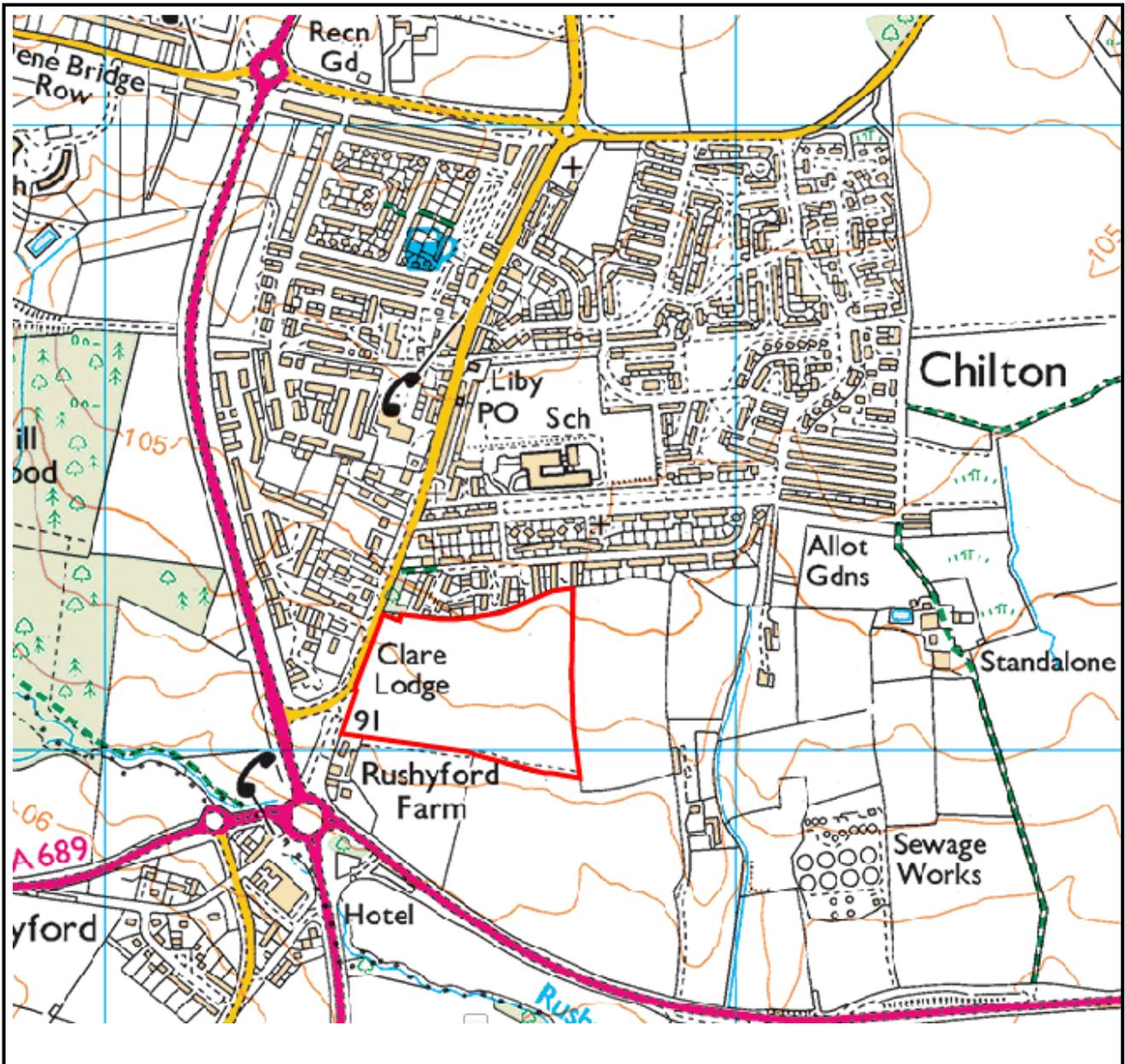
National Planning Practice Guidance Notes

Sedgfield Borough Local Plan

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment





**Planning Services**

DM/17/04035/FPA

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

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**Comments**

**Date** April 2018

**Scale** Not to scale

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