

# Planning Services

## COMMITTEE REPORT

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### **APPLICATION DETAILS**

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APPLICATION NO:	7/2010/0260/DM
FULL APPLICATION DESCRIPTION:	ERECTION OF 149 DWELLINGS, ASSOCIATED LANDSCAPING AND ACCESS
NAME OF APPLICANT:	Ben Bailey Homes
ADDRESS:	LAND EAST OF A167 AND SOUTH WEST OF MILLWOOD CHILTON CO DURHAM
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	David Walker Tel. 01388 816166 Email. David.walker2@durham.gov.uk

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### **DESCRIPTION OF THE SITE AND PROPOSALS**

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1. The application site comprises a triangular shaped parcel of agricultural land measuring approximately 5 hectares situated at the south western corner of Chilton. This occupies a prominent position adjacent to the A167 Chilton by pass which runs the length of the western boundary of the site. The northern boundary of the site faces onto an area of amenity open space and the route of a former railway line which now forms an informal footpath linkage east-west through Chilton. The eastern side of the site abuts the Millwood housing estate, Hillside Court, Braeside and Clare Lodge.
2. The application as originally submitted proposed the erection of 150 detached, semi-detached and terraced dwellings, laid out around a central area of open space extending to 1350 sq. metres, with vehicular access to the development taken from Durham Road.
3. The proposal was amended in February 2011 with the following summarised changes:
  - A reduction in the proposed number of dwellings from 150 to 149.
  - The deletion of the pedestrian access proposed via Millwood with a new pedestrian link formed at the northern boundary of the site linking to the existing footpath network to the east.
  - The re-siting of the proposed play equipment within the site to the larger central area of open space.
  - Revisions to the siting of the housing within the site to present a stronger building line and reduce the dominance of the car within the street scene.
4. The application has been submitted with a range of supporting information including a planning statement, traffic assessment, flood risk / drainage strategy, ecology / landscape assessment, statement of community involvement, sustainability appraisal, affordable housing statement, noise assessment and open space assessment.

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### **PLANNING HISTORY**

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5. There is no relevant planning history in relation to this planning application.
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# PLANNING POLICY

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## 6. National Policy:

**Planning Policy Statement 1:** (Delivering Sustainable Development) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

**Planning Policy Statement 3:** (Housing) sets out the Government's national policy framework for delivering the Government's housing objectives.

## 7. Regional Policy

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

**Policy 2 – Sustainable Development:** Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

**Policy 8 -** Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

**Policy 24 - Delivering Sustainable Communities -** all development within the Region should be designed and located to deliver sustainable communities. Proposals should assess the suitability of land for development and the contribution that can be made by design in relation to 16 detailed criteria, including concentrating development in urban locations, reducing need to travel, proximity to infrastructure, health and well-being, biodiversity and crime prevention/community safety.

## 8. Local Plan Policy:

As this application is located within the former Sedgefield Borough Council area the Local Plan Policies are contained within the Sedgefield Borough Local Plan (1996).

**Policy H8 (Housing Development in Villages)** presumption in favour of residential development within defined larger villages, including Chilton, and establishes a settlement boundary for those villages.

**Policy H11 (Housing development in the Countryside)** states that the extension, infilling or redevelopment of ribbons or of sporadic groups of houses outside of the towns and villages listed in Policy H8 will not normally be approved.

**Policy H19 (Housing for Particular Groups)** encourages developers to provide a variety of house types and sizes, and where a need is demonstrated, affordable housing.

**Policy L1 (Provision of Open Space)** seeks to ensure that sufficient open space is provided to meet the needs of the former Sedgefield Borough.

**Policy L2 (Open Space in Housing Developments)** sets standards for provision of open space and play facilities within new residential developments.

**Policy D1 (Design Principles)** sets out principles which should normally be applied to the layout and design of all new developments.

**Policy D3 (Designed with pedestrians, cyclists, public transport)** aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.

**Policy D5 (Layout of New Housing Developments)** sets out principles which should be applied to new housing developments to ensure they provide a safe and pleasant environment in which to live with access routes that are safe and accessible for all users.

*The above represents a summary of those policies considered most relevant in the Development Plan; the full text, criteria, and justifications of each may be accessed at ([link to webpage](#))*

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## CONSULTATION AND PUBLICITY RESPONSES

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Statutory Responses:

9. **Chilton Town Council** has not commented upon this application.
10. **Police Architectural Liaison Officer** assessed the crime risk for this proposal as being low. However, he did express significant concern regarding the proposed footpath link from the site between Nos. 25 and 27 Millwood because of the inter relationship between this pedestrian access and the existing housing. This element of the original scheme has now been omitted so as to alleviate these concerns.
11. **One Northeast** welcomed the mix of housing proposed within the scheme and raises no objection to this application subject to the scheme being designed in accordance with sustainable design principles.
12. **Environment Agency** has no objections to the proposal having noted that surface water will be disposed of via a NWL sewer.
13. **Northumbrian Water Limited** has raised no objection to the proposal subject to the imposition of planning conditions being attached in relation to the disposal of both foul water and surface water.
14. **Natural England** has no objection to the proposal.

## INTERNAL CONSULTEE RESPONSES

15. **Forward Plans section** has provided detailed comments in respect of this proposal. These comments are outlined in detail within the Planning Considerations and Assessment section of this report.
16. **Highways Development Control section** has examined the Transport Assessment submitted in support of the application and agrees with the findings that the traffic generated by the proposed development will have a minimal impact on the A167 and the local road network. The Highway Engineer went on to confirm that he would offer no objection to the proposal subject to a number of recommended amendments being undertaken.
17. **County Ecologist** is satisfied with the methodology used within the Phase 1 habitat survey but has suggested that further opportunities exist to enhance bio diversity within the scheme.

18. **Landscape Architect** has pointed out that although the site is partially screened by the existing mounding adjacent to the A167 the two storey housing would clearly be visible from the by pass and the immediate south west. A number of detailed comments were made in respect of the design and layout and it was suggested that the amount of open space within the site be increased although it was acknowledged that this would necessitate the reduction in the number of units. It was also suggested that a detailed landscaping scheme be submitted to and approved by the Local Planning Authority prior to the commencement of works.
19. **The Environmental Health Officer** has raised no objection to the scheme subject to further details being provided regarding noise attenuation measures in relation to methods of ventilation for habitable rooms facing A167, the submission of additional information regarding noise and dust mitigation during construction works and the submission of an air quality assessment.
20. **The Senior Low Carbon Officer** has stated that the sustainability statement provided lacks the necessary detail to make a comprehensive assessment. However, it was recommended that the applicant be encouraged to enter into dialogue with Dalkia in order to maximise the potential to utilise heat from the Combined Heat and Power plant currently under construction at Chilton.

## **PUBLIC RESPONSES**

21. This planning application has been advertised via a press notice, the posting of site notices and via direct neighbour notification. As a result 21 letters of objection were received with a further respondent commenting upon this proposal. The key objections / comments are summarised below for Members consideration:

### **Principle of Development**

22. It has been pointed out that this is a green field site which is located outwith the residential settlement framework as identified by the Sedgefield Borough Local Plan (1996). It was also noted that although the site has been identified within the Durham County Council's SHLAA as being capable of delivering housing, *a positive assessment through the SHLAA does not mean that planning permission will definitely be granted if an application were made .... The appropriateness of a site for housing must be determined through the development plan process or through the consideration of individual planning proposals.*
23. That the application site is 'green belt' land between Chilton and Rushyford and this proposal would constitute ribbon development between these two settlements.
24. That the development would be better located elsewhere in Chilton where housing has recently been demolished or this development should be redirected to the derelict farm opposite West Chilton Terrace or Vine Place garage which was considered to be unsightly.
25. Concern was raised that Chilton was already poorly served in terms of amenities and these facilities including the doctor's surgery, pharmacy and local shops could not cope with the additional housing proposed.
26. It was stated that additional housing is not required in Chilton, as evidenced by the large number of properties which are currently vacant or up for sale.

## **Design / Layout / Housing mix**

27. Representations were submitted on behalf of the residents of Braeside expressing concern that the proposed development which abuts both the western and southern boundaries of their property would detrimentally affect the residential amenity of their clients in that both the dwelling and the private rear garden area would be unacceptably overlooked. Particular concern was raised that the properties to the west did not meet the Council's separation distances set out within Supplementary Planning Guidance 3 in terms of the window to window distances. Concern was also raised that because of the number, scale and distances between Braeside and the proposed housing that the out look from Braeside would appear to be extremely cramped and oppressive for the occupants.
28. One resident expressed concern regarding the scale of the development and suggested that this be reduced to 17 dwellings whilst a second resident felt that the height of the development should be limited to single storey
29. That the proposed housing was too close to the recently constructed by pass which was intended to separate the existing housing from the busy highway as a result these properties would suffer from road traffic noise.
30. Mixed views were received with regard to the mix of housing proposed. Some residents expressed concern that the majority of the houses to be built appear to be executive homes and this did not fulfil the needs of local residents whilst other residents expressed concern that there were already too many affordable homes in Chilton.
31. This development fails to enhance the village and would represent 'a blot on the landscape'.
32. The proposed housing and associated traffic would lead to more traffic congestion on Durham Road and the A167 junction leading to accessibility problems for local residents including the residents of Clare Lodge and leading to detrimental impacts in terms of air quality, noise and disturbance.

## **Concerns regarding the proposed footpath link via Millwood**

33. Significant concerns were raised that the proposed pedestrian access serving the development through Millwood would potentially result in a high number pedestrians walking in very close proximity to the existing dwellings at Nos. 25 and 27 Millwood in particular and through Millwood generally. It was feared that this arrangement would lead to a significant loss of privacy and anti social behaviour to the detriment of residential amenity.
34. That the proposed footpath link would lead to the existing small area of amenity open space between Nos. 25 and 27 Millwood becoming an area where youths would be more likely to congregate.
35. That the pedestrian link would be better located at the northern end of the site where this would provide convenient access to existing footpaths leading to the local shops, schools, recreational areas and Chilton Industrial Estate.
36. It was also feared that the proposed pedestrian access between Nos. 25 and 27 Millwood would detrimentally affect the value of these properties.
37. It should be noted that the footpath link between Nos. 25 and 27 Millwood has now been deleted within the revised scheme with an alternative pedestrian link being introduced at the northern boundary of the site.

## **Other Matters**

38. Concerns were raised regarding the quality of the consultation exercise undertaken by the developer in advance of the planning application and that those concerns raised by local residents had not been taken into account.
39. Were approval to be granted construction works take a significant period of time and this would lead to additional noise and disturbance during construction and could potentially lead to structural defects.
40. The proposed development would lead to a loss of view and devaluation of property.

## **Amended Scheme**

41. The amendments to the scheme outlined in paragraph 3 were advertised via direct neighbour notification. As a result the following additional comments have been received in respect of the revised proposal.
42. The occupant of No. 39 Millwood has re-iterated their earlier concerns that the properties opposite at Plot Nos. 119, 120 and 121 remained detached housing despite the fact that the applicant had previously agreed at the consultation stage, before submission of the planning application, to replace the house types at this location with single storey properties.

## **APPLICANT'S STATEMENT**

43. Chilton is well located having good transport links within the County and this contains a number of services including a Town Council, Doctors, Dentists and Post Office amongst other shops and facilities. As such it is considered to be a sustainable location with good amenities and links to the surrounding areas for employment.
44. The site is bounded by the A167 bypass to the west and by residential development to the east. As such, the site represents a natural extension to the town since the construction of the A167.
45. The proposed design is responsive to the site in terms of its layout which mimics the linear form of the site. The natural form of the site has raised an opportunity to create a dual frontage layout with a sweeping boulevard running the length of the site acting as the main access. Small clusters of dwellings spur from the main route creating visual interest to the scheme. There are a number of different house types incorporated into the scheme which offers a diverse palette in terms of colour and scale.
46. The layout has been carefully considered in order to create an attractive street scene with aesthetic appeal. Hidden parking courts have been provided to avoid excessive numbers of cars parked on the main highway and the highway itself has been designed incorporating modern urban design techniques to create an attractive environment whilst introducing speed tables to calm traffic speed. The arterial route through the development is punctured by a central area referred to as the 'core' which uses a looped road system to ease traffic and reduce the likelihood of excess speed within the residential area. Within this 'core area' is an area of open space which adds visual interest to the layout whilst introducing additional amenity space for residents.
47. The application proposes 149 dwellings with associated landscaping, car parking and equipped play space. There are several proposed house types ranging from 1 to 4 bedrooms, each with associated parking in compliance with Local Authority guidance.

48. Based upon the site area of 5.05 hectares the density of proposed development is 30 dwellings per hectare.
49. The scale of the development accords with the existing built environment within Chilton in that the proposed dwellings do not exceed 2 storeys. In response to the results of the public consultation exercise a number of single and 1.5 storey homes have been included in the scheme as demand appears to be high for this type of property within the town. Each property has been designed to complement the surrounding area and the materials selected are typical of the local area.
50. The soft landscaping schedule has evolved in response to recommendations from the Ecology Phase 1 study. In the first instance the ethos behind the landscaping proposals is to retain as many established species as possible. This is particular relevant in the northern part of the site which abounds the established residential area of Millwood.
51. The hard landscaping has been designed with current urban design principles in mind thus promoting priority to pedestrians by reducing dominance of the car and increasing user friendly pedestrian routes and spaces.
52. The materials palette reflects the local vernacular whilst introducing an appropriate mix of modern colour and textures. Varying shades of brick and slate have been chosen to ensure aesthetic appeal and reduce the uniformity of the scheme. It is considered that this alongside the soft landscaping and innovative hard surface treatments, will result in the development blending successfully with the existing village edge.
53. Interlinking routes and landscaped spaces are introduced between buildings to facilitate pedestrian movement. Considerable care has been taken to establish linkages and physical and visual permeability across the site and to maximise the area of internal and external space to which the public have access. The dwellings are positioned with active frontage to reinforce and strengthen the primary movement route through the centre of the site, whilst secondary accesses and linkages draw people into and through the site and encourage integration with surrounding areas.
54. The proposals have also been designed in such a way to apply inclusive design principles to both the external and internal environments in order to maximise access for disabled people in accordance with the Disability Discrimination Act 1995. Whilst the proposed house types are of standard design each property is of a scale that is suitable for conversion in order to accommodate all users. Furthermore, best practice techniques have been incorporated to demonstrate that a safe and secure environment will be created which will be user friendly in order to meet the needs of all users and more specifically the disabled.
55. The proposal acknowledges the importance of providing pedestrian links to the existing residential areas and services and facilities of Chilton Town. In line with Local Authority recommendations strategic connections are proposed at the north of the site which links the site to the wider area.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. In assessing this proposal against the requirements of the aforementioned planning policies, and having regard to all material planning consideration, including representations received, the main planning issues in this case are as follows:

- \* Principle of Development
- \* Layout and Design
- \* Privacy and Amenity
- \* Housing Mix

- \* Affordable housing
- \* Open Space / Landscaping
- \* Access and highway issues
- \* Noise
- \* Impact on Wildlife

## **Principle of Development**

57. The application site consists of greenfield land that is located outside the existing residential framework for Chilton, as identified in the Sedgefield Borough Local Plan (1996). Policy H8 permits housing development on sites within the residential framework provided that there is no conflict with environmental, open space or design objectives. Sites located outside of residential frameworks are to be treated against 'countryside' policies and objectives, and there is a general presumption that residential development would not normally be allowed beyond a settlement boundary Policy H11.
58. As such, this proposal conflicts with the development plan. Hence, it is necessary to identify whether any overriding 'material considerations' exist in this case to determine this planning application otherwise than in accordance with that statutory policy.
59. The Sedgefield Borough Local Plan is now 15 years old and is in some aspects, inconsistent with more recent national planning policy/ guidance. Bearing this in mind and taking into account the construction of the A167 through Chilton which was implemented approximately 5-6 years ago it is felt that the residential framework boundary identified in 1996 is now out of date and does not reflect the existing settlement formed by the recently constructed by-pass route. In view of this, it is considered that the development of this site would form a natural extension of the existing settlement and this is unlikely to cause any harm to the scale and form of this part of the village.
60. In addition, housing colleagues have previously indicated a need to deliver much needed market housing in the settlement to diversify the housing stock. Chilton has had significant investment in recent years in the form of the new by-pass, public realm improvements in the shopping area, shop front improvements on Durham Road and the housing market renewal programme in the west of the village. The delivery of market housing here is seen to be an integral part of the redevelopment and regeneration of Chilton.
61. PPS3 clarifies that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure.
62. As part of the on-going production of the Core Strategy for County Durham ('The County Durham Plan'), a 'Settlement Study' has been carried out. Although this study does not form part of the development plan, this does form part of the key evidence base which will help inform the 'County Durham Plan'.
63. This study looks at the amenities possessed by settlements across County Durham, including public transport, public and private services, and access to jobs. Determining the sustainability of settlements is essential in two respects: firstly, because it helps to identify those settlements which are lacking in amenities, and where, therefore, a policy aim might be to support the development of new ones; and secondly, because it helps to identify those settlements which have the services and infrastructure necessary to accommodate growth and cater for new residents. The findings of this assessment will be used to establish a hierarchy of settlements within the LDF for County Durham.



Following consultation the settlement study has been revised and all settlements are now divisible into the following groupings:

- Hamlets (Group 6): under 25 points;
- Small villages (Group 5): 25 - 39 points;
- Villages with some facilities (Group 4): 40 - 54 points;
- Villages with more facilities (Group 3): 55 - 69 points;
- Larger villages and smaller towns (Group 2): 70 – 89 points;
- Main towns (Group 1): 90+ points.

64. Chilton falls within the 2<sup>nd</sup> tier (Larger villages and smaller towns) achieving a score of 74 based on the scale and level of service/facilities provision within the settlement. The conclusion which can be drawn from this is that the village is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities.

65. In conclusion, it is considered that the proposal accords with the objective in PPS3 to locate housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. These issues represent 'material' considerations capable of outweighing the presumption against development outwith the residential framework outlined within Local Plan Policy H11. This is given increased credence bearing in mind that the residential framework identified within Sedgefield Borough Local Plan relating to this part of Chilton is now out of date following construction of the by-pass, thereby justifying development that would not normally be allowed.

66. It is therefore considered that there are material planning considerations justifying a departure from the Local Plan Policy.

## **Layout and Design**

67. Policies D1, D3, D5 and SPG 3 seek to ensure the layout and design of new developments are in keeping with the surrounding area and achieve satisfactory privacy and amenity of the neighbouring residents.

68. The overriding principles of the design policies of the Local Plan require new housing development to have an attractive appearance, be durable, function well for their users and be designed to relate well to the surroundings of the site and the landscape setting.

69. The layout of this development has been heavily influenced by the linear nature of the site and the location of the A167 which restricts access to the site to Durham Road. However, the layout has been designed in order to create an attractive street scene both internally and when viewed from Durham Road. As such, the layout along the southern and eastern boundary of the site has been specifically designed so that this is outward facing with several of the properties at sensitive corner locations within the site designed so that these are dual frontage.

70. The layout has been designed with a central island feature providing an interesting feature within the estate which can be utilised both for formal and informal recreation including the site of a Local Area of Play for toddlers.

71. The scheme has also been designed so that pedestrian linkages between the site and the wider area facilitate pedestrian movements from the new development to the existing facilities within the existing village whilst at the same time minimising the potential for anti-social behaviour.

72. The dwellings will be constructed from materials that are common in the surrounding area, notably render and brick. The proposed dwellings have been sympathetically designed to relate to the adjacent properties whilst limiting its impacts on the neighbouring properties.
73. The applicant has submitted an independent assessment of the design and layout of the scheme in accordance with the C.A.B.E. Building for Life Assessment standards. This assessment found that the scheme met the silver standard but that this was capable of further improvement. Although the scores of the initial assessment were considered to be a little high, it is considered that the further improvements achieved in the revised layout with regard to the pedestrian linkages, the introduction of increased detached garaging to the rear of the properties to reduce the visual impact and dominance of the car within the street scene are now acceptable.

### **Privacy and Amenity**

74. The Supplementary Planning Guidance (SPG3) : Layout of New Development gives general advice which states that gable walls should be located at least 14 metres from the nearest habitable room window and window to window distances should be in excess of 21 metres. These distances are given as guide only and can be adjusted depending on the characteristics of the site.
75. In terms of amenity, the dwellings will be located to the west of the existing housing at Millwood, to the west and south of Hillside Court and Braeside. The development would also encircle Clare Lodge to the north, west and south.
76. The proposed housing at the northern section of the site adjacent to Millwood has been designed so that the gable wall of the closest house at the north eastern corner of the site (Plot 99) stands 17m from the main rear wall of the existing dwelling house at No. 1 Millwood. This property has been designed so that this ensures that no habitable room windows are located in this elevation. The remainder of the plots facing the housing at Millwood (Plot Nos. 100-109) has been designed so that the distances between the rear walls of the proposed and the existing housing varies from between 23 and 33 metres.
77. The 21 m separation distances have been retained between the rear of the proposed housing along the eastern boundary and the existing housing at Hillside Court and Braeside. The housing to the south of Braeside has been positioned so that a 24 m separation distance between this and the new properties has been retained.
78. The layout of the housing has also been specifically been designed to safeguard privacy between the proposed housing and the existing property at Clare Lodge. The housing to north and south of Clare Lodge is approximately 30m from the main dwelling house, whilst the proposed housing to the west would be approximately 27m from Clare Lodge.
79. Bearing in mind the distances involved fully comply with this Council's SPG: Layout of New Development it is considered that the reduction in privacy and residential amenity from existing householders would not be so significant as to justify refusal of this planning application.

### **Mix of Housing**

80. In order to promote strong and stable communities, PPS3 seeks provision to be made for a wide mix of types of housing and tenure options which reflect local conditions and that a high quality of design is achieved in higher density developments.

81. The proposed development contains a wide variety of house types and sizes varying from a small number of 1 bed terraced properties, 2 & 3 bed semi-detached houses, 4 bed detached houses and a mix of 3 and 4 bedroom bungalows.
82. In respect of this application, it is felt that this proposal provides a diverse mix of housing types and sizes which would help diversify the housing stock available within Chilton.

### **Affordable Housing**

83. The provision of affordable housing where a need has been identified is encouraged through PPS3. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 20% affordable housing across the (former district) Sedgefield area.
84. However, recent High Court judgments have underlined the need to consider factors such as economic viability in formulating policy targets, in accordance with Government guidance.
85. The applicants have demonstrated that the inclusion of 20% affordable housing will make their scheme unviable, and that they can only offer 10%.
86. A total of 15 affordable houses consisting of 6 pairs of semi-detached houses and a row of 3 terraced houses are to be provided within this scheme. Nine of the houses would be 2 bedroom properties whilst the remaining 6 houses would provide 3 bedroom accommodation.
87. The viability of the scheme has been independently tested by County Council officers and it has been demonstrated that a 10% provision of affordable homes would be appropriate in this case, at this time. The provision and phasing of the affordable housing would be secured via the imposition of a suitably worded planning condition.

### **Provision of Open Space and Play Areas**

88. Policy L2 of the Borough Local Plan stipulates that housing developments should provide for open space at a minimum rate of 100 sqm of informal play space and 500 sqm of amenity space for every 10 dwellings. PPS3 which is more upto date generally promotes higher housing densities, and it is rarely possible to meet the Policy L2 standards.
89. To assess the degree of open space that should be provided on this site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Council's Open Space Needs Assessment (OSNA). Paragraph 16 of PPS3 states that when assessing the design quality of a developers proposed housing scheme, Local Planning Authorities are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
90. The Open Space Needs Assessment has demonstrated that Chilton is well provided for in terms of open space provision. The Four Together Area Profile which includes Chilton has identified that this settlement currently has sufficient open space in terms of parks and gardens, outdoor sport space, play space, amenity open space and allotment gardens. Chilton was, however, identified as having an insufficient level of semi-natural green space.
91. Whilst the quantity of open space is important it is also important to take into account the location of the existing open space within this settlement, the accessibility of this open space from the proposed development site and the actual needs arising from the

development itself. With this in mind, the applicant is proposing to provide Local Area Provision within the central island area of the site so that this can provide easily accessible play provision to accommodate the needs of young children. Opportunities also exist to provide additional play equipment in existing recreational areas off site such as South Downs for older children.

92. When considering open space requirements it should also be noted that the application site is bounded by an extensive existing tree planting area measuring approximately 600m long and 20m in width. This planting will provide a landscape buffer between the housing site and the A167.
93. The new pedestrian linkage from the estate at the northern section of the application also provides good accessibility from the site to the existing allotment garden areas to the north, but also the recreational areas east of Dene Bridge Row and north of West Chilton Terrace.
94. Bearing in mind the good current level of existing provision within Chilton it is considered that a contribution of a commuted sum by the developer could be put to good use to enhance existing facilities within the area which would be beneficial not only the occupants of the new dwellings, but also the existing residents within Chilton.

Open Space Calculation:

Total open space provision of proposal = 3410 square meters

Policy L2 requirement =  $14.9 \times 600 = 8940$  square meters

Shortfall = 5530 square meters (62%)

Commuted sum = 149 dwellings @ £1000 per dwelling x 62% = £92,380

95. These calculated contributions would be required by a future Section 106 Agreement.

### **Landscaping**

96. A landscape concept scheme has been submitted in support of the application and the principles of this are deemed acceptable. However, it is proposed that an appropriate condition should be imposed to require a detailed scheme to be submitted for approval, along the lines of the concept proposals.

### **Access and Highway Issues**

97. The Transport Assessment submitted in support of the planning application has been examined and it was found that the traffic generated by the proposal would have a minimal impact upon the A167 and the local road network. The internal road layout has been amended to take into account detailed design comments made in respect of the original planning application and the footpath links from the development site to the existing public footpath network are to be provided as part of this development.

### **Noise**

98. The western boundary of the application site is adjacent to the A167 with the housing being approximately 25 metres from the highway. The planning application has been submitted together with a noise assessment. This assessment found that appropriate measures could be undertaken in order to ensure that the occupants of the new dwellings were not detrimentally affected by road traffic noise from A167. A range of measures have been put forward including the erection of a 1.8m acoustic fence along the western boundary of the site, the installation of appropriate ventilation measures to both the windows of habitable rooms and roof / ceiling insulation. The noise assessment has been examined by the Council's Environmental Health Officer who concurred with

these findings although additional information was requested regarding the proposed method of ventilation.

## Impact upon Wildlife

99. It was found that there are no significant direct impacts upon wildlife arising from the development proposal, although conditions have been recommended in respect of the timing of vegetation clearance so as to avoid the bird nesting and breeding season.

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## CONCLUSION

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100. In conclusion, it is considered that this proposal constitutes 'in fill' development which forms a natural extension to the existing settlement now that the A167 by pass has been constructed. It is also considered that the proposal accords with the objectives of PPS3 which seek to locate housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The proposal would also help diversify the mix of housing available within Chilton and would ensure that a minimum of 15 new affordable homes would be provided within this scheme.
101. It is considered that these issues cumulatively represent 'material' considerations capable of outweighing the normal presumption against development contained in Policy H11 of the Sedgefield Borough Local Plan (1996) , thereby, justifying a departure from the Local Plan.
102. The layout, scale and design of the housing is considered to accord with Policies D1, D3 and D5, H19 and SPG3 of the Sedgefield Borough Local Plan and Policies 2,8 and 24 of the RSS in that this has been sympathetically designed to enhance the street scene and not detrimentally affect privacy or residential amenity.

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## RECOMMENDATION

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That the application be APPROVED subject to the prior submission of an acceptable Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum for off site enhancements to existing play equipment and environmental enhancements to existing amenity open space and subject to the following conditions:

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby approved relates to details of development as shown on the approved plans

CD/PSL/01	Proposed Layout	G
CD/BTEH/01	Boundary Treatment & External Hard Landscape	E
CD/PSL/01	Proposed Site Layout - Page 1 of 2	G
CD/PSL/02	Proposed Site Layout - Page 2 of 2	G
CD/PSS/01	Proposed Street Scenes	C
ALN_PL_1	Planning Layout 1	A
ALN_PL_2	Planning Layout 2	/

BAM_PL_1	Planning Layout 1	A
BAM_PL_2	Planning Layout 2	/
CLA_PL_1	Planning Layout 1	A
CLA_PL_2	Planning Layout 2	/
CON_PL_1	Planning Layout 1	A
CON_PL_2	Planning Layout 2	/
365_PL_1	Planning Layout 1	/
DUN_PL_1	Planning Layout 1	/
DUN_PL_2	Planning Layout 2	/
GLA_PL_1	Planning Layout 1	/
GLA_PL_2	Planning Layout 2	/
371_PL_01	Planning Layout 1	/
376_PL_1	Planning Layout 1	/
KEN_PL_1	Planning Layout 1	/
KEN_PL_2	Planning Layout 2	/
KIN_PL_1	Planning Layout 1	/
LIN_PL_1	Planning Layout 1	/
MEL_PL_1	Planning Layout 1	/
MEL_PL_2	Planning Layout 2	/
257_PL_1	Planning Layout 1	/
THU_PL_1	Planning Layout 1	/
THU_PL_2	Planning Layout 2	/
THU_PL_1	Planning Layout 1	/
381_PL_1	Planning Layout 1	/
381_PL_2	Planning Layout 2	/
WRE_PL_1	Planning Layout 1	/

except insofar as such details may be inconsistent with any conditions attached hereto when such condition shall prevail.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials and window details including the frame materials, profile and method of opening have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
4. Notwithstanding any details of means of enclosure submitted with the application no development shall commence until details of means of enclosure have been submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
- 5 No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

7. No construction work shall take place nor shall any materials or machinery be brought on the site unless all the trees and hedges indicated on the approved plans as being retained are protected by the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1). This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges all as indicated on, and in accordance with, the approved landscape plan and retained throughout construction works. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to adversely affect any tree. Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.
8. Prior to the commencement of development, a scheme detailing sections of existing and proposed finished land levels shall be submitted to and approved in writing by the Local planning authority. The development shall be carried out in accordance with the approved scheme.
9. No development shall take place unless in accordance with the mitigation and enhancement sections 6.3 and 6.4 of detailed within the extended phase 1 habitat survey and assessment for proposed residential development on land east of A167 and southwest of Millwood, Chilton County Durham including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat roosting sites.
10. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.
11. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.
12. Development shall not commence until a detailed scheme for the disposal of Foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the approved details.
13. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
14. A minimum of 15 affordable housing units shall be provided across the site in those locations coloured yellow as shown on Drwg. No. CD/PSL/01 Rev. G. The affordable

housing shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it and shall be provided in accordance with an affordable housing scheme to be submitted to and approved in writing by the LPA prior to development commencing.

The scheme shall include:

- i. The numbers, type and location of the site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Prior to the completion of the 75<sup>th</sup> dwelling a further viability assessment shall be undertaken to establish whether or not market conditions have improved to such a degree that more than 15 affordable housing units could be provided on site without compromising the viability of the development. In the event that it is found that it is financially viable to provide additional affordable housing units these shall be built in accordance with those criteria outlined in parts i-iv in the earlier part of this condition.

15. The approved development consists of 149 houses. Upon occupation of the first ten houses the estate roads and footpaths giving access to those houses are to be completed within one month, apart from the final wearing surface of the roads, which is to be applied within two months of the occupation of the last occupied dwelling. Should the completion of any group of 50 houses be delayed so that a period of twelve months expires from the first occupation of any house in that phase, the construction of the roads and footpaths serving those houses shall be completed within two months,

16. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for:

*(i) the provision of a footpath link including lighting between Plots 97 and 98 and linking onto Beech Avenue / Millwood. This footpath link shall be constructed to adoptable standards prior to the occupation of Plots 76-112 inclusive.*

*(ii) improvements to the kerb line serving Clare Lodge on the C35 Durham Road, as detailed in the consultation response from the Highway Development Control Officer dated 4<sup>th</sup> March 2011.*

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

17. The development hereby approved shall not commence by the undertaking of a material operation as defined by section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision and phasing of open space and recreational facilities within the application site in accordance with a detailed scheme which has been submitted to and approved in writing by the Local planning authority.

18. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from A167 has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.



19. No construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00a.m. to 6.00p.m. Mondays to Fridays and 8.00 a.m. to 12 noon Saturdays.
20. A Noise and Dust management plan shall be submitted to the Local Planning Authority for approval prior to the commencement of site works. The plan shall detail how noise and dust during the construction of development will be controlled to prevent disturbance to surrounding residential properties. The applicant should have regard to information contained within BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites. This should also contain details water suppression, containment of finely divided materials, how the internal roads and highways will be cleaned and details of visual inspections.
21. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the vehicular exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times during the period of site operations connected with construction.
22. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990 The results of the site investigation shall be submitted and approved in writing by the local planning authority.  
As a minimum requirement, the Desk Top Study should include the following information in relation to the study site;
  - Historic Land Use
  - Former contaminative site uses
  - Typical contaminants from former industrial uses
  - Watercourses, major underground aquifers, water source protection zones, at or close to the site
  - Ground water, perched ground water
  - Adjacent land uses and their historical land use, and potential to affect the study site
  - All former holes in the ground on or close to the study site

A geo technical report with 'added information' will not be acceptable as a full-contaminated land risk assessment.

If the desk top study determines there is no historical land use which may cause contamination of the site, No further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

#### Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority  
Phase 3 – Validation Report After remediation measures are implemented at the site, a final validation report shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

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## **REASON FOR THE RECOMMENDATION**

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In the opinion of the Local Planning Authority the proposal represents an acceptable extension to the settlement framework bearing in mind the construction of the A167 by pass and appearance of the area and in terms of access, parking, privacy and amenity.

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

Regional Spatial Strategy

D1 Layout and Design of New Development

D3 Design for Access

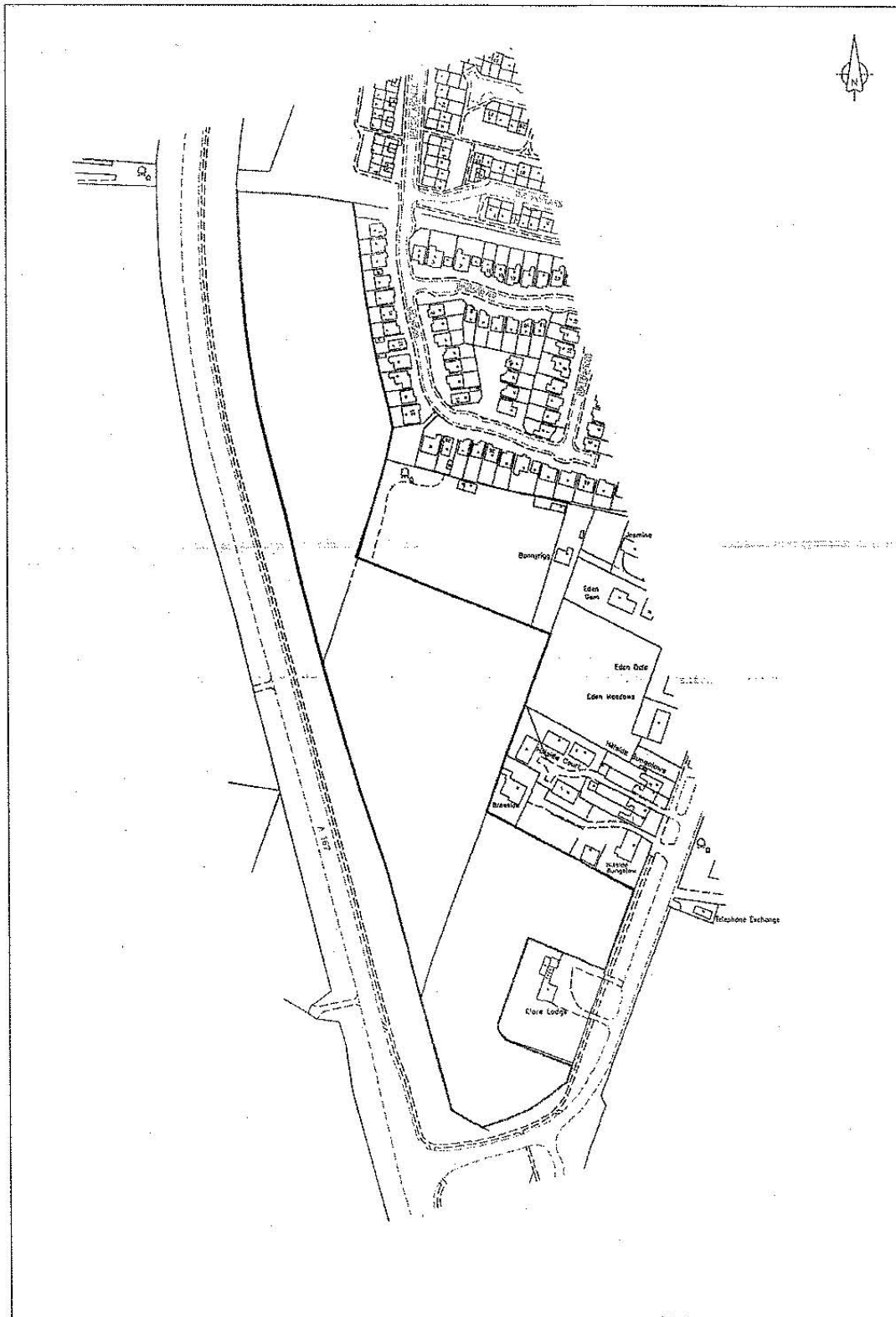
D5 – Layout of New Housing Development

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans and supporting documentation
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements PPS1, PPS3
- Regional Spatial Strategy Policies 2,8 and 24
- Responses from internal consultees
- Public Consultation Responses



Application No.	7/2010/0260/DM
Location:	LAND EAST OF A167 AND SOUTH WEST OF MILLWOOD CHILTON CO DURHAM
Description:	ERECTION OF 149 DWELLINGS, ASSOCIATED LANDSCAPING AND ACCESS