

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0289/DM
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 135 dwellings and associated works (resubmission)
NAME OF APPLICANT:	Mr Chris Dodds, Gleeson Homes
ADDRESS:	West Chilton Farm, Land to the North West of Chilton Terrace, Chilton, County Durham, DL17 OEH
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 3.88ha in area and is located on the northern edge of the village of Chilton. It currently consists of undeveloped agricultural land, a number redundant farm buildings were located in its northwest corner which have recently been demolished. Agricultural fields and 4 isolated dwellings are located to the north of the site. A section of adopted highway serving these dwellings and Chilton Cemetery lies immediately to the east with open countryside beyond. Terraced properties sited on West Chilton Terrace are situated to the south, along with two sections of road, to the west of the site lies a recreation ground with sports facilities. The centre of Chilton lies approximately 400m to the south of the site.
2. Planning permission is sought for the erection of 135 dwellings. The dwellings would be arranged around a series of cul-de-sacs, with areas of shared access and private drives. The dwellings would be mix of detached and semi-detached properties 2 and 2 ½ storey in design with rooms in the roof space. Vehicle access would be taken from the existing access point off an adopted highway to the east of the site, which is currently operated as a field access. A number of trees protected by tree preservation orders on the northern and eastern boundary and more centrally within the site are proposed to be retained as a focus of areas of public open space.
3. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

4. Demolition of existing buildings and erection of 130 dwellings and associated works – pending consideration subject to the outcome of this application. .

PLANNING POLICY

NATIONAL POLICY

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

reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

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

LOCAL PLAN POLICY:

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
16. *Saved Policy E1 – Landscape Protection and Enhancement* – Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
17. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
18. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
19. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of Chilton residential development will normally be approved.
20. *Saved Policy H19 – Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide

a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.

21. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space-* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
22. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
23. *Saved Policy IB1 – Types of Industry and Business Areas* – Identifies that the Council will seek to maintain in appropriate locations a range of land available for Industry and business.
24. *Saved Policy IB3 – Proposals for the development of new industrial and business areas* – Sets out that land at Chilton will be developed as a prestige Business Area.
25. *Saved Policy IB5 –Acceptable uses in Prestige Business Areas* – Sets out that in prestige business areas business, general industry and warehousing will generally be considered acceptable.
26. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

EMERGING PLAN:

30. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

31. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
32. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 270 are to be provided in Chilton. 179 Ha of Employment Land allocation is also proposed, 8ha of which is to be provided in Chilton.
33. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
34. *Policy 23 – Employment Land* – Sets out the proposed locations of Prestige and General Employment allocations.
35. *Policy 30 – Housing Land Allocations* – Sets out the quantity and distribution of housing on specific sites to meet housing need.
36. *Policy 31- Addressing Housing Need* - Sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
37. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.
38. *Policy 35 – Development in the Countryside* – Sets out that planning permission for developments in the countryside, with the exception of minerals, wastes and renewable energy proposals, will only be granted where they accord with other relevant policies or where the land is developed is allocated in the CDP or Neighbourhood Plan, the development proposals are necessary for the continues viable operation of agriculture, it will directly enhance local services, community facilities the development would enhance the environmental or tourism assets of the county or for the change of use of disused buildings or structures.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Highway Authority* - No objections to the development of the site, advising that the proposed layout has addressed previous concerns in relation to parking provision, visibility and manoeuvrability, a contribution of £20,000 is however requested for highway improvement works at the A167/A689 Rushyford Roundabout to mitigate the impacts of the development.

40. *Environment Agency* - Offers no objection, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows.
41. *Northumbrian Water Limited* - Identify that at present the sewage treatment that would serve the development cannot accommodate the additional flows that would be generated by the development. Scheduled investment into increasing the capacity of the station is not expected to be complete until 2017. Nevertheless as the upgrade is likely to be within the implementation period of any planning approval, it is advised that the development can be supported by the use of a planning condition to restrict the commencement of development until the issues around additional flows can be resolved.
42. *Health and Safety Executive* – Offer no objections.
43. Trimdon Parish Council – No response received.

INTERNAL CONSULTEE RESPONSES:

44. *Design and Historic Environment Section* – Offers no objections following amendments to the scheme, concerns however raised regarding the location of fencing at plots 1 and 136 which appear to subdivide the public open space.
45. *Spatial Policy Section* – Advises that while the principle of developing the site for housing does not accord with the policies of the Local Plan, it does broadly comply with the NPPF, including the objective to avoid the long term protection of employment land, where there is no reasonable prospect of it being used for that purpose. Development of the site would also comply with the objective of locating housing in suitable locations which offer a good range of community facilities and good access to jobs, key services and infrastructure.
46. *Landscape Section* - Consider the layout and boundary treatments acceptable.
47. *Arboricultural Officer* -Offers no objection subject to condition relating to the erection of tree protection measures and removal of permitted development rights in certain location to protect significant trees.
48. *Archaeology Section* - Offers no objections to the development, subject to the development being carried out in accordance with the agreed scheme of Archaeological recording and evaluation.
49. *Access and Rights of Way Section* - Advises that there is no nearby Public Right of Way that would be impacted on by the development.
50. *Ecology Section* - Has no objections, subject to the proposed mitigation measures and the production of a method statement in relation to the removal of a mature tree on site and the residual risk to bats.
51. *Environmental Health* - Advises that a condition relating to the restriction of working hours on site should be imposed along with appropriate dust suppression. Although parts of the scheme would experience higher than desirable noises from external sources, on balance this is considered acceptable and would not lead to a significant loss of residential amenity. Concerns are raised regarding the potential impact of the development on a nearby Air Quality Management Zone.

52. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
53. *School Organisation Manager* – Advises that local schools in the area have sufficient capacity to accommodate the additional pupils likely to be generated by the development.
54. *Sustainability Officer* – Offers no objection but recommends that the indicated sustainability and carbon reduction initiatives are embedded within the scheme, and controlled by condition
55. *Employability Section* – Encourage the opportunity to secure a targeted recruitment and training programme on site.
56. NHS Trust – No response received

PUBLIC RESPONSES:

57. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents. Two letters of representation have been received from neighbouring residents highlighting concerns regarding the capacity of schools and other amenities to accommodate additional residents, issues regarding the potential impact of flooding and loss of view of the open countryside are also raised.
58. A letter of representation has been received from CPRE (Campaign to Protect Rural England) that raises a number of concerns regarding the scheme, including the potential encroachment into the countryside, lack of cycling infrastructure, the sustainability of the site, lack of provision of sustainable drainage techniques, lack of affordable housing and potential archaeological interests on site.

APPLICANTS STATEMENT:

59. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable
60. The Emerging County Durham Plan proposes to allocate the site for housing to meet the established housing need in the area and across the County. The viability of the site has been scrutinised. Although affordable housing cannot be provided contributions are proposed to the highways infrastructure and to meet open space requirements.
61. Extensive discussions have been held with Northumbrian Water in relation to the sewerage capacity issues in the area, which can be overcome within the life time of the permission.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
http://www2.sedgefield.gov.uk/planning_search/alldetails.php?ID=34407

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

63. The application site is safeguarded as part of a wider Prestige Business Area extending to the north for B1, B2 and B8 uses by saved policy IB3 of the Sedgfield Borough Local Plan. The site is also located outside of the defined residential framework of Chilton within the Local Plan where policy H8 seeks to direct new housing. Given the safeguarding of the site and its location outside of the residential framework its development for housing would conflict with saved policies of the Sedgfield Borough Local Plan.
64. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of policies IB2 and H8 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development.
65. However when determining planning applications, all material considerations need to be taken into account. Paragraph 216 of the NPPF sets out 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. In this respect, the of the submission version of the emerging County Durham Plan, policies 3 and 4, set out the quantity and distribution of housing in terms of the housing requirement across the County and proposes 270 houses for Chilton as part of this overall requirement. This distribution includes existing housing commitments but it also proposes this site as an as additional housing land allocation under policy 30 to meet the projected housing demand.
66. There are outstanding objections the proposed housing and employment land distribution under these County Durham Plan policies. However in relation to this site these are generally focused at the proposal to de-allocate a wider area of employment land to the north which is safeguarded under the existing Local Plan. It is therefore considered that a degree of weight can be given to the proposed allocation of the site for housing and the de-allocation of industrial land in this respect, including the evidence base supporting this stance.
67. In relation to the NPPF, paragraph 22 advises that planning policies should avoid the long term protection of employment land where there is no reasonable prospect of a site being developed for that purpose. As part of the evidence base for the emerging County Durham Plan, the Council has carried out an Employment Land Review which considered the locations that needed to be retained to maintain the required level of provision. This highlighted that there is oversupply of employment land within the A1 market corridor and it was recommended that this site be de-allocated,

especially as that 8.08ha of undeveloped land is still available within Chilton Industrial Estate. The loss of this safeguarded employment land in the Sedgefield Local Plan is therefore not considered to impact upon the amount of employment land available within the County and locally to meet the needs for economic growth.

68. The NPPF also seeks to direct housing development in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Chilton has been identified as a 2nd tier settlement (larger villages and smaller towns) within the County Durham Settlement Study, in recognition that it is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge of Chilton is consistent with the role the settlement plays within the County Durham hierarchy and would represent a sustainable, accessible location. The development of the site for housing would be compliant with the NPPF in this respect while also boosting housing supply, a key component of the NPPF.
69. Although the development of the site for housing purposes would represent a departure from the Sedgefield Borough Local Plan. It would be consistent with policies of the emerging County Durham Plan and would represent development in a sustainable location meeting projected housing demand. These policies are considered consistent with the NPPF given the sustainability of the site and the limited prospect of it being developed for its long standing allocated use for industrial purposes. The loss of the land for employment purposes is also considered to be acceptable given the identified over supply against strategic distribution within the emerging plan. Subject to a detailed analysis of the impacts of the development it is therefore considered acceptable in principle for housing purposes.

Viability and Implementation

70. Local Plan Policy H19 sets out that where a relevant local need has been established the inclusion of an appropriate element of affordable housing will be required within a housing development. Such a requirement is replicated in the NPPF. As part of the emerging plan a significant amount of work has been directed towards assessing and evidencing the need for affordable housing throughout the County and the likely delivery of this through development proposals, while ensuring developments remain viable. Policy 31 of the CDP sets a target figure for the provision of 10% of proposed dwellings to be provided as affordable housing within the South Durham area, including Chilton.
71. No affordable housing contributions are proposed as part of the scheme, and the applicant has stated that should this be a requirement the development proposed would be economically unviable. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. To ensure viability, the costs of any requirements applied to development, such as affordable housing, should when taking account of the normal cost of development, still provide a competitive return to a willing land owner and developer to enable the development to be delivered. Paragraph 160 also advises that local planning authorities should consider the needs of businesses and any changes in circumstances, identifying and addressing barriers to investment and delivery of housing, including viability issues.
72. On a development of this nature it would be expected that a developer would require a profit in the region of 20% of the development value of the site. Such a profit is not considered to be excessive and aligns with figures contained within the Council's

Affordable Housing & CIL Development Viability Study. A competitive profit for a developer is required to be factored into the consideration of the viability of a scheme and is effectively a cost to be taken out of the gross development value of the site. Advice has been sought on this matter from the Assets and Spatial Policy Sections, which have considered in detail the submitted development appraisal for the site, including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once the amount paid for the site and development costs are taken from expected sale values only around an 11% developers profit could actually be achieved, excluding any affordable housing provision.

73. Having regard to the advice within the NPPF, the development profit is therefore not considered to constitute an adequate return and cannot deliver affordable housing provision. Nevertheless, the developer remains keen to bring the development forward and has agreed to other development cost requirements. Local Plan Policy and the Open Space Needs Assessment support the need for financial contributions to improve outdoor sporting provision within the area. Although a proportion of open space it to be provided on site, in order to meet with these full requirements a £97,000 off site sporting/recreational contribution is proposed. An additional £20,000 contribution for junction improvement works at the A167/A689 Rushyford Roundabout is also proposed. While it is accepted that at this time the scheme cannot provide any affordable housing, in order to safeguard any uplift in Gross Development Value, through increase in sale values from the properties, it is nevertheless considered appropriate to build into the S106 agreement an affordable housing review mechanism. In doing so it is recognised that a significant uplift in Gross Development Value would be required to provide affordable housing on this site. The scheme does however propose a mix of dwellings, including 2 bed semi-detached dwelling which would be expected to be priced at the lower end of the market.

Accessibility and Highway Safety

74. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network. The vehicular access to serve the development is proposed to be taken from the adopted highway to the east of the site, which serves a number of isolated properties and a cemetery before terminating. The internal highway within the development would be arranged in a series of cul-de-sacs, with areas of shared surfacing and driveways.
75. The Highway Authority raise no objection to the proposed access and highway layout, or the proposed parking levels. A contribution of £20,000 is however sought for offsite highway improvement works at the A167/A689 Rushyford Roundabout to accommodate the additional flow in traffic. The applicant has agreed to this contribution and it is proposed to secure this through a section 106 legal agreement.
76. In terms of accessibility, the site is reasonably connected to the centre of Chilton where occupants could readily walk or cycle to work opportunities, health facilities, schools, shopping and leisure facilities. Concerns have been raised regarding the lack of cycling infrastructure; however the site is permeable by bicycle and accessible to designated cycle routes in the locality.

Visual amenity of surrounding area

77. The application site is a predominately green field site, bordering onto an open amenity area to the east, an area of open countryside lies further to the north. The built environment of Chilton lies directly to the south of the site, separated by an

adopted highway. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. This is reflected within section 7 of the NPPF which sets out that good design is a key aspect of sustainable development, and is indivisible from good planning.

78. When viewed in the context of the existing residential development within Chilton, it is considered that the proposed development would have an appropriate relationship, forming an active frontage onto West Chilton Terrace. A significant highway verge would remain, replicating that of the adjacent development to the south retaining an open feel. In this respect therefore the site can be considered as a natural extension to the residential framework of Chilton and would not be viewed as a significant incursion into the open countryside. When viewed from the open countryside to the north and east of the site, the development would be set against the back drop of Chilton and Chilton Industrial Estate, which provide a urban edge to its setting.
79. Negotiations with the applicant through the assessment of the application have taken place to seek improvements to the quality of the scheme, particularly in terms of the layout. As a result it is considered that the revised scheme represents the most viable and practical use of the development site and would represent an attractive layout. The proposed house types are also considered to be appropriate and commensurate with the surrounding housing stock, 2-2 ½ storey brick built with pitched roofs.
80. A detailed landscaping plan has been submitted indicating that the existing hedgerow and mature trees to the northern boundary would be retained. In addition areas of open space would be formed around key trees central to the site and on the eastern boundary. The retention of this vegetation and supplementary planting proposed would help to frame and soften the impact of the development.
81. Overall it is considered that the proposed scheme would be read as a natural extension to the village of Chilton, having an acceptable impact on the character and appearance of the surrounding area, in accordance with policies E1 and D5 of the Local Plan.

Impact on amenity of adjacent residents and future occupants

82. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In considering this matter, the site layout would achieve in excess of the minimum separation distances of 21m between habitable room windows as advocated in the Local Plan (55m to the dwellings of West Chilton Terrace and 60m to the isolated dwellings to the north). Therefore it is considered that a reduction in the level of amenity experienced by neighbouring residents would not arise in this respect. In appraising the scheme the Councils Environmental Health Unit raise no objection however highlight that it would be appropriate to restrict the working hours associated with the construction phase of the development while requiring a scheme of dust suppression. A site construction management plan has been submitted alongside the application, outlining the abatement of noise and dust suppression techniques. However it is considered that these matters hours of the site can be satisfactorily controlled by the statutory powers of Environmental Health which will prevent a loss of amenity arising.
83. In reviewing the internal layout, it is considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable

level of overlooking. A noise assessment has been submitted in support of the application assessing the potential impact of the A167 road, Delkia Bio-mass plant, industrial units and the adjacent recreation ground on future residents. The survey indicates that overall future residents would not be adversely affected by surrounding developments. To the southern boundary of the site the noise levels generated by the adjacent road during the daytime could exceed (58db) the recognised acceptable level (55db serious annoyance). The Environmental Health Unit advise that this is acceptable on balance as the noise impact would be limited to garden areas on the southern fringes of the site and would not lead to an unacceptable loss of residential amenity.

84. The application site lies within close proximity of an Air Quality Management Zone, where air quality is constantly monitored to comply with other primary legislation. Concerns have been raised by Environmental Health Officers regarding the potential impact of the development on this management zone. However given the relative scale of the scheme and the currently low risk status of Chilton exceeding relevant air quality objectives, it is considered that the development should not be restricted on this basis. It should also be noted that this site is allocated as Industrial Land within the current Local Plan and has been identified as a proposed housing allocation within the CDP.
85. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate site investigations.

Ecology

86. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted ecology survey report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
87. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report and a method statement appraising the residual ecological risk of bats being present in a mature tree to be removed on site. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

Flooding and Drainage

88. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
89. In terms of the disposal of surface and foul water, Northumbrian Water has identified that at present there is insufficient capacity at Chilton and Windlestone Sewerage Treatment works, which would treat foul water from the development. The improvement works necessary to upgrade the capacity of this treatment works are unlikely to happen before 2017 and until this point no additional flows will be accepted. To take account of this programme and in line with the flexible approach advocated within the NPPF a 4 year time period for implementation is recommended, to allow the upgraded work to be completed. On this basis, Northumbrian Water advise that the development can be supported by the use of a

planning condition which will also ensure that Northumbrian Water can still carry out their statutory duties. Alternatively an onsite treatment solution could be developed by the developer to adequately treat foul water before discharging into NWL apparatus in the interim period. A 'negative' Grampian condition to this effect is therefore recommended to ensure that no development commences until drainage details have been agreed by the planning authority in consultation with NWL, along with the extended implementation period of 4 years instead of the standard 3 years' timeframe.

90. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to Greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme.

Other Issues

91. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer advises that subject to the investigation works being carried out before ground works commence the development should have a low risk of impacting on anything of archaeological interest.
92. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. As such a condition is considered appropriate to demonstrate how energy efficiency is being addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.
93. Concerns have been raised from local residents regarding the capacity of local services and amenities, such as schools, doctors and dentists to accommodate the development. However the Local Education Authority have confirmed that sufficient capacity is available with local schools to accommodate any increase in pupils generated by the development, while the Local NHS trust have not responded to the consultation of the application.
94. The Council aims to encourage developers to provide 10% of any labour requirement of new developments as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include, Apprenticeships, Job Opportunities, Work Placements. In this instance the developer has been in discussions with the Council's Targeted Recruitment Training Officer and has indicated a willingness to enter into such a scheme. It is envisaged that at least 4 full time job opportunities/apprenticeships would be created for local residents. Although it proposed to secure this through the S106 legal agreement this voluntary

agreement and therefore no weight should be afforded to it in the determination of this application.

95. The application site lies in close proximity to a Major Hazard Site associated with the Gas network. Accordingly the Health and Safety Executive (HSE), the statutory consultee for developments within proximity of these sites has been consulted. In considering the scheme the HSE has not raise any issue on safety grounds against the granting of planning permission.

CONCLUSION

96. The scheme would represent residential development on part of a safeguarded industrial site and outside of the defined residential framework of Chilton, contrary to saved Local Plan Policies. However in accordance with paragraph's 215 and 216 of the NPPF, less weight should be given to relevant saved Local Plan policies where there is limited consistency with the NPPF and the direction of the emerging plan. In this instance it has been identified that there is an existing over provision of industrial land within the County, while the development would be located in a sustainable location identified for this purpose in the emerging plan and would help to meet projected housing demand. These emerging policies are considered consistent with NPPF in this respect given the sustainability of the site and the limited prospect of it being developed for its current allocated use.
97. The viability of the scheme has also been tested and in this instance it is considered appropriate to waive affordable housing provision in line with guidance in the NPPF and emerging plan. The scheme does however propose a mix of dwelling types and sizes which would have an inherent degree of affordability. Developer contributions to offsite play space and road infrastructure would also be provided and can be secured through a legal agreement.
98. It is considered that there is a reasonable likelihood that the required improvement works to increase the capacity of the Chilton and Windlestone Sewerage Treatment Works to accommodate additional flows generated by the development would be undertaken during the life of the planning permission. Alternatively an onsite treatment solution could be developed to adequately treat foul water in the interim period.
99. The development would have an acceptable relationship with the surrounding area, providing an active frontage with neighbouring residential developments while being read as a natural extension to Chilton. Existing mature vegetation and the indicated landscaping would help soften the appearance of the development protecting the character and appearance of the surrounding area. The amenity of neighbouring residents would be protected, while appropriate access and parking provision would be achieved.
100. The development would not impact on any ecological interest of the site while the agreed mitigation strategy would safeguard any archaeological interest.

RECOMMENDATION

That the application be **APPROVED** subject to the entering into of a Section 106 Obligation to secure a financial contribution of:-

- £20,000 for off site highway improvement works and
- £97,000 for off site outdoor sporting and recreation provision

And the entering into a Targeted Recruitment and Training scheme and Affordable Housing viability review mechanism and subject to the following conditions:-

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

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

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

Planning Layout, DRWG no. GH19:L:06 F, Received 4th March 2014
 Soft Landscaping, DRWG no. GH19:L:08D, Received 4th March 2014
 Boundary Treatment Plan, DRWG No. GH19:L:09D, Received 4th March 2014
 Garage Threshold / Gravel Drive Details and specification, DRGno. SD, Received 4th March 2014
 Detached Garage Details Single, DRWG no. SD700, Received 17th July 2013
 Detached Garage Details Double, DRWG no. SD701, Received 17th July 2013
 Construction Management Plan, Received 17th July 2013
 Dwelling Type 201, DWRG No. 201/1E, Received 4th October 2013
 Dwelling Type 202, DWRG No. 202/1E, Received 4th October 2013
 Dwelling Type 301, DWRG No. 301/1F, Received 5th February 2014
 Dwelling Type 302, DWRG No. 302/1F, Received 4th October 2013
 Dwelling Type 303, DWRG No. 303/1D, Received 4th October 2013
 Dwelling Type 304, DWRG No. 304/1D, Received 4th October 2013
 Dwelling Type 309, DWRG No. 309/1C, Received 4th October 2013
 Dwelling Type 310, DWRG No. 310/1C, Received 4th October 2013
 Dwelling Type 401, DWRG No. 401/1F, Received 5th February 2014
 Dwelling Type 403, DWRG No. 403/1G, Received 4th October 2013
 Dwelling Type 404, DWRG No. 404/1E, Received 4th October 2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E1, E15, H19, D2, D3, D5 of the Sedgefield Borough Local Plan

3. No development shall commence unless in accordance with the Arboricultural Method Statement set out in Section 4 of the Tree Survey prepared by Elliot Environmental Surveyors received 22nd July 2013

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E11, D1 and D5 of the Sedgefield Borough Local Plan.

4. The Landscaping works hereby approved shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

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

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

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

6. Prior to the occupation of the first dwelling hereby approved details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgfield Borough Local Plan.

7. No development approved by this permission than preliminary site excavation and works shall commence until a detailed scheme for the disposal of foul and surface water in accordance with the submitted Flood Risk Assessment and Drainage Assessment received 17th July 2013, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley Local Plan.

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

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

9. No development shall be carried out unless in accordance with the mitigation detailed within the Extended Phase 1 Habitat Survey and Bat Survey Report compiled by Elliott Environmental Surveyors on the 18th July 2013 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

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

10. No development shall commence until a method statement appraising the residual ecological risk of bats being present in tree no. 13 as identified on plan no. GH19:L:06 E (Planning Layout) received 4th October 2013 has been submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

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

11. Notwithstanding the provisions of Class A and E of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement and/or the erection of any building within the curtilage of plots 85-89 inclusive, 94 and 95 and 128 -135 inclusive will require the benefit of a separate planning permission.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E11, D1 and D5 of the Sedgefield Borough Local Plan.

12. No development shall take place unless in accordance with the Archaeological Mitigation Strategy prepared by Durham University Archaeology Services received 29th October 2013. Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.

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

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

14. No development other than preliminary clearance and ground works or that is required to be carried out as part of an approved scheme of remediation shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

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

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

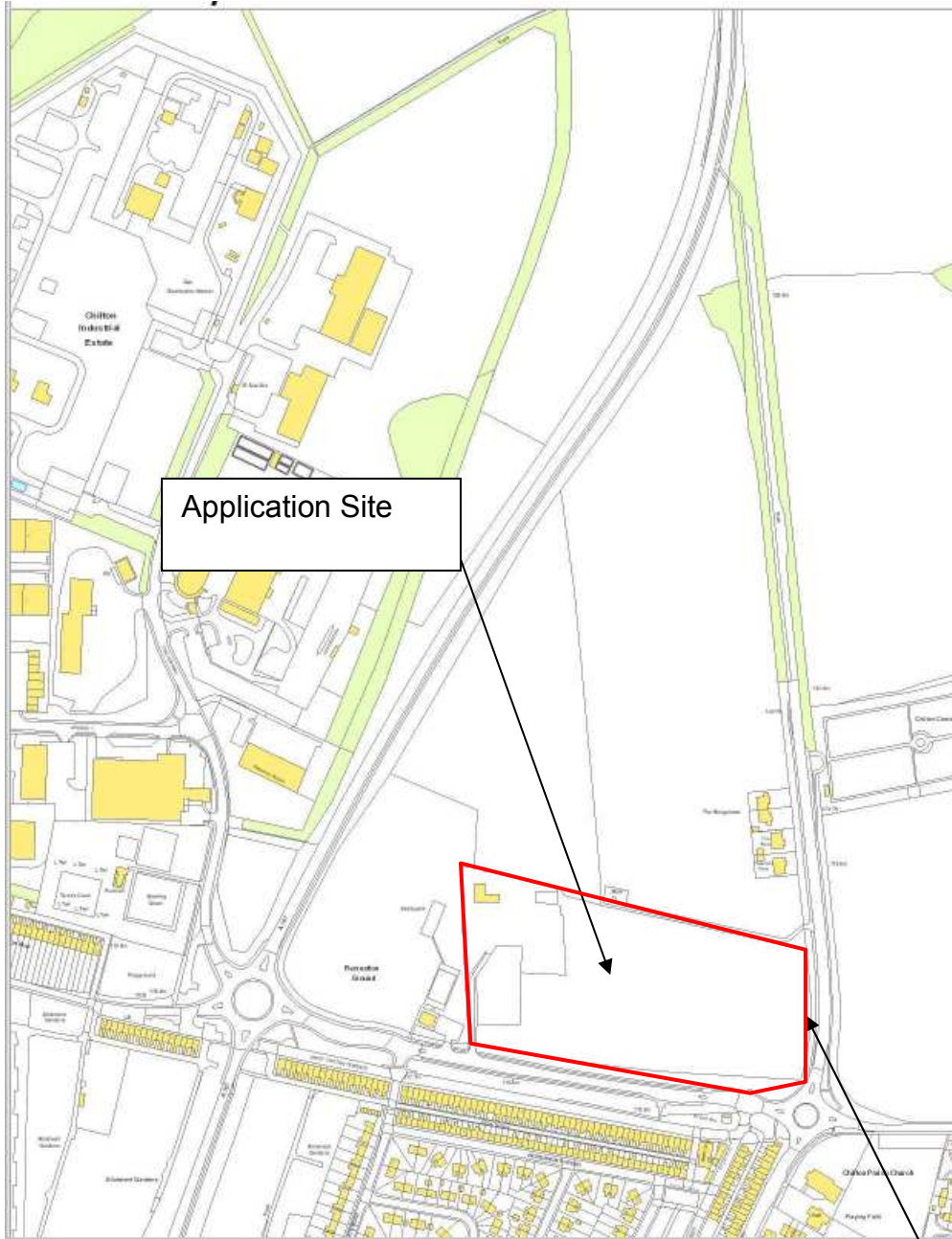
Sedgefield Borough Local Plan

County Durham Plan (pre submission version) and

Affordable Housing & CIL Development Viability Study

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

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.
Representations received from the public and other representative bodies



Application Site

Proposed Access Location



Planning Services

Demolition of existing buildings and erection of 135 dwellings and associated works (resubmission)

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Comments

Date 30th June 2014

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