

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

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

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

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

LOCAL PLAN POLICY:

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the 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 E4 – Green Wedges* - Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.
18. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
19. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
20. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide

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

21. *Saved Policy L1 - Provision of sufficient open space to meet the needs for sports facilities, outdoor sports, play space and amenity space*- Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
22. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
23. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
24. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
25. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
26. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

EMERGING PLAN:

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

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

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

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

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

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

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

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

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

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

<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N7RKZLGDH5G00>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

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

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

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

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

Viability and Implementation

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

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

Accessibility and Highway Safety

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

Impact on the visual amenity of the surrounding area

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

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

Impact on amenity of adjacent residents and future occupants

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

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

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

Ecology

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

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

Flooding and Drainage

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

Other Issues

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

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

CONCLUSION

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. The development hereby approved shall be carried out in accordance mitigation measures set out in the Geoenvironmental Appraisal, ref N13097 dated June 2013. Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works including additional sampling of top soil prior to placement in gardens, shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
County Durham Plan (pre submission version) and
Affordable Housing & CIL Development Viability Study
Statutory responses from Highway Authority, Environment Agency, Northumbrian Water and Limited
Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.
Representations received from the public and other representative bodies



Application Site

Proposed Access Location



Planning Services

Erection of 79 Dwellings and associated landscaping and infrastructure

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Comments

Date 1st May 2015

Scale 1:5000