

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

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

The Proposal

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

PLANNING HISTORY

9. The site has no relevant planning history.

PLANNING POLICY

NATIONAL POLICY

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

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

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

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (1996) (SBLP)

21. *Policy E1 – Maintenance of Landscape Character.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
22. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
23. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
24. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
25. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
26. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
27. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.

28. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
29. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
30. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
31. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
32. *Policy D5 – Layout of New Housing Development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
33. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
34. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

PUBLIC RESPONSES:

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

Objection

Impacts upon Chilton

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

Landscape Impacts

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

Highways Impacts

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

Impact upon Biodiversity

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

Impact upon Residential Amenity

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

Other concerns

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

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

APPLICANTS STATEMENT:

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

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

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

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

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

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

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

The Development Plan

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

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

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

The NPPF

69. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.

70. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

71. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date as outlined below.

Five Year Housing Land Supply

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

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

Assessment having regards to Development Plan Policies

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

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

Locational Sustainability of the Site

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

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

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

Landscape and Visual Impact

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

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

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

Layout and Design

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

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

Affordable Housing

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

Residential Amenity

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

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

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

Public Open Space

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

Highway Safety and Access

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

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

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

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

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

Flood Risk and Drainage

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

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

Ecology

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

Heritage Impacts

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

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

Other Issues

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

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

Planning Balance

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

Benefits

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

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

Adverse Impacts

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

CONCLUSION

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

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

RECOMMENDATION

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

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

and subject to the following conditions:

Time Full

1. The development hereby permitted in "Phase 1" as identified on drawing 'Phasing Plan 1532-1-8 Rev A' shall be begun before the expiration of three years from the date of this permission

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

Time Outline

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

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

No. of Dwellings

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

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

Plans

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

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

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

Engineering details of access and highway improvements

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

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

Maintenance of highway

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

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

Tree Protection

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

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

Landscape implementation and management and right of public accessibility

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

The landscape scheme shall include the following:

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

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

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

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

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

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

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

The landscape scheme shall include the following:

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

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

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

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

Play Area

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

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

Site Levels

12. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in Phase 1 as set out on plan drawing Phasing Plan 1532-1-8 Rev A shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

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

13. Prior to the commencement of the construction of the 93rd dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in Phase 2 as set out on plan drawing Phasing Plan 1532-1-8 Rev A shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

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

Travel Plan

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

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

Travel Plan 2

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

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

Foul and surface water Phase 1

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

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

Foul and surface water Phase 2

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

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

Public Art

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

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

Embed Sustainability phase 1

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

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

Embed Sustainability phase 2

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

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

Ecology Mitigation

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

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

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

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

Lighting Strategy

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

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

Working Hours

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

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

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

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

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

Noise Mitigation

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

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

Construction Methodology

25. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

Land contamination

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

Pre-Commencement

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

Completion

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

DM/16/03397/FPA

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

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

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Comments

Date February 2017

Scale Not to scale