

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02709/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the erection of up to 430 dwellings (all matters reserved except access) and landscaping and engineering works
NAME OF APPLICANT:	Willmott Partnership Homes
ADDRESS:	Land Adjoining Woodham Bridge Cobblers Hall Road Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
CASE OFFICER:	Steven Pilkington, Senior Planning Officer 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a roughly triangular shaped parcel of land measuring 20.29ha in an area located to the north west of Newton Aycliffe and the South West of Woodham Village. The site comprises greenfield land in an agricultural use, with lines of mature trees and hedgerows on site defining field boundaries and forming the eastern boundary of the site beyond which lies the A167 and to the western boundary adjacent to Woodham Burn. An approximate 10m, level change is evident across the site falling in a westerly direction. The site is designated as a Green Wedge in the Sedgfield Brough Local Plan.
2. The eastern boundary of the site is bounded to the A167, and where an existing field access is present. Woodham Burn separates the site to the existing residential development of Woodham Village. To the south of the site allotment gardens and playing fields utilised by Woodham Academy are located.
3. The site is located 3.5km to the east of Middridge Quarry SSSI and 1.2km east of the Moor Nature Reserve. The Grade II Listed buildings of Fir Tree Grange are located 600m to the north of the site. Aycliffe Village Conservation Area, containing a number of listed buildings, is located 3.2km to the south of the site. Part of the application site that borders Woodham Burn is within flood zones 2 and 3. Footpath No. 31 (Great Aycliffe) is located to the west of the application site.

The Proposals

4. Outline planning permission, including the means of access, is sought for the erection of up to 430 dwellings. The indicative site layout shows that the development could be laid out around a series of cul-de-sacs, with areas of open space and landscaping provided to the east alongside the A167 and centrally through the site. To the west and within Flood Zones 2 and 3 areas of open space and landscaping, described as an ecology park, are proposed which would provide a pedestrian Link to Woodham Village. An additional pedestrian link is proposed to the south west of the site linking to a public right of way (Footpath No. 31 Sedgefield).
5. A new site entrance on to the A167 is proposed in the south east corner of the site in the form of a signalised junction creating laybys for new bus stops.
6. 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 and over 200 dwellings.

PLANNING HISTORY

7. An outline application including means of access for a leisure development comprising a riding school, golf driving range and fitness centre was allowed on appeal in 2001.
8. A reserved matters application for the access, landscape, siting and appearance of buildings for a riding school, golf driving range and leisure development was approved in March 2005. This permission has expired as it has not been implemented.

PLANNING POLICY

NATIONAL POLICY

9. 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’.
10. 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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

20. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
21. *Policy E4 - Green Wedges.* Sets out that proposals for built development will normally be refused in the Green Wedges of Newton Aycliffe which contribute to the setting of the town.
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 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 and design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
25. *Policy H19 –Provision of a range of house types and sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.

26. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to benchmark provision.
27. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
28. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside.* Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
29. *Policy D1 – General Principles for the layout and design of new developments.* Sets out that all new development and redevelopment within the Borough should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
30. *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.
31. *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.
32. *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.
33. *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.
34. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
35. *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.
36. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

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

Neighbourhood Plan

38. The Great Aycliffe Town Council has reached the later stages in the development of the Great Aycliffe Neighbourhood Plan (GANP). At this stage the GANP has undergone two statutory consultations and has been subject of an independent examination. The GANP will be subject to a referendum in mid-2017. If supported by a majority at the referendum stage the local planning authority will 'make' the GANP cannot be regarded as forming part of the development plan. This reduces the amount of weight that should be attributed to it. Notwithstanding this partial status, it is now a material consideration in respect to development proposals falling within its geographic extent, which includes this site. The following policies are considered relevant to this proposal:-
39. *Policy GANP CH1 (Landscape Character and Townscape)* – Sets out that developments must respect the landscape character of the Parish and its settlements as defined in the Great Aycliffe Heritage and Character Assessment and incorporate features which contribute to the conservation, enhancement or restoration of local features. New development should where appropriate maintain the existing hedgerows trees and woodland, accommodate and provide tree lines avenues and ensure open space is provide within the development to maintain the Beveride vision for the town.
40. *Policy GANP E1 (Green Corridors)* – Sets out that the continuation and enhancement of green corridors for wildlife, multi-functional green space and tree lined avenues will be preferred and encouraged. Planning permission will not be granted for developments which would destroy or impair the integrity of green corridors including interlinked pockets of green open space or semi natural vegetation.
41. *Policy GANP E5 (Protection of existing trees within new development)* – Sets out that developments will be expected to safeguard existing trees where appropriate and integrating them into the design and protecting them during construction.
42. *Policy GANP H3 – Parking Standards form new residential developments* – Sets out parking standards residential development should achieve.

43. *Policy GNAP H4 – Parking Mitigation* – Sets out where a garage is included in the design of the house the garage must be built to a minimum size to ensure a medium sized car can adequately fit.
44. *Policy GANP H5 – Provision of in-curtilage parking and storage* – sets out that on properties where no garage has been made there must be a parking area in curtilage and suitable provision for bicycle parking and/or storage will be encouraged.
45. *Policy GANP H6 – Securing Energy Efficient Homes* – Sets out that developments should be designed to achieve the highest possible energy efficiency standards.
46. *Policy GANP H7 – Housing for Older People* – Sets out that new developments should provide 10% of all new dwellings as bungalows to meet the needs of older people.
47. *Policy GANP H8 – Affordable Housing* - Sets out that new developments should provide affordable housing to meet local need.
48. *Policy GANP H9 – Provision of Facilities and Services* – Sets out that n proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities for example improved drainage, parks, play areas or footpaths as required to make the development acceptable in planning terms.
49. *GANP Policy DB1 (Large Scale Development Requirements)* sets several requirements, key ones being that development proposals should seek to achieve a village feel (to maintain the historic Beveridge Vision for the new town) and that main thoroughfares should have sufficient trees to maintain the tree lined character that exists elsewhere in the parish.
50. *GANP Policy T3 (Cycle Provision and Walking Routes)* – Sets out that major development proposals should be provide or contribute to safe well-lit accessible pedestrian and cycle routes.
51. *GANP Policy CIL 1 (Developer Contributions)* – All new developments should provide necessary and appropriate new facilities, relevant and related to the development or contribute t off site facilities.

A full copy of the Great Aycliffe Neighbourhood Plan can be viewed at <http://www.great-aycliffe.gov.uk/info/neighbourhood-plan-4/>

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:

52. *Great Aycliffe Town Council* – Concerns are raised regarding the access arrangements to the site, particularly the formation of another access onto the A167 and those residents would have to travel via the A167 to access services. It is

highlighted that the land is protected in the Sedgefield Borough Plan and should not be developed.

53. *Highways Authority* – Advise that subject to securing the detailed final design of the proposed highway improvement works consisting of a signalised junction on to the A167, the proposed access arrangements are considered acceptable in highway safety terms. A Transport Assessment has been submitted and reviewed and subject to implementing mitigation works at Rushyford Roundabout (through a £102,897 commuted sum secured through a S106 agreement) the development would have an acceptable cumulative impact on the wider highway network. Further offsite works, including the proposed upgrading of the local footpath network to an adoptable standard and the provision of bus shelters on the A167 would need to be secured by condition or S106 agreement.
54. *Drainage and Coastal Protection* – Advise that surface water runoff from the development will need to be controlled and discharged at a greenfield run off rate.
55. *Environment Agency* – Offer no objections to the scheme, however it is advised that no development should be built within Flood Zones 2 and 3 and finished floor levels should be set to at least 79.4m AOD.
56. *Northumbrian Water Limited* – Advise that a detailed scheme for the disposal of foul and surface water should be developed and agreed by condition. The surface water strategy should prioritise the use of soakaways and existing water courses. The presence of a public sewer which runs along the eastern boundary of the site is highlighted, this would likely restrict planting and landscape features.

INTERNAL CONSULTEE RESPONSES:

57. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). The Plan is absent in respect of how to appraise housing applications within main towns like Newton Aycliffe. This is on account that SBLP Policy H1 was not saved. The development of this site would conflict with Policy E4 as the site is designated as green wedge. The courts have determined that these types of policies are policies for the supply of housing, and therefore this policy cannot be considered up to date due to the councils housing land supply. Notwithstanding this, weight may still be attributed to it, and it is for the decision maker to judge the level of weight which is appropriate and whether the policy could carry weight in relation to other considerations.
58. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning 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 NPPF taken as a whole. and the remaining relevant saved policies of the SBLP. The requirements of the emerging Neighbourhood Plan offer advice on the design and layout of the scheme but would not preclude the development in principle.
59. 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 in light of the current position in respect of the 5-year housing land supply position. The site itself is considered to be

well related to the main town of Newton Aycliffe; however, in terms of accessibility to local services and facilities by sustainable modes of transport, the scheme itself performs due to the nature of surrounding footpaths and topography of the land contrary to paragraphs SBLP Policy D3 and Paragraphs 30, 34, 35 and 61 of the NPPF. Overall, it is advised that the scheme would not represent a sustainable urban extension to the settlement due to the conflict with the identified policies, and consequently policy objections are raised to this application.

60. *Landscape* – Advise that the landscape value of the site is of moderate to high and of relatively high sensitivity to built development as a Green Wedge forming part of the immediate setting of Woodham Village. It is accessed and is visible in places from the eastern edge of the village and it is also visible from the A167 to the east, and while there is significant summertime screening from roadside trees and hedges, there is, nevertheless an awareness of open countryside beyond, rather than housing. It is advised that the importance of this site lies both in the visual amenity it provides to the residents of the housing to the west, and also in the limit it places on the apparent extent of Newton Aycliffe for people travelling on the A167. Woodham Village is not experienced as an extension of Newton Aycliffe, despite appearing on a map to be so. The proposal would be perceived as extending the boundary of Newton Aycliffe north by over 1000 metres, rather than filling in an area enclosed by existing housing. The site is protected in the SBLP as a green wedge under Policy E4, the development would be in conflict with this Policy. For the reasons identified above the site and this designation the site is considered a valued landscape for the purposes of Paragraph 109 of the NPPF.
61. The effects of the proposals on the character of the landscape would be transformative at the level of the site and its immediate surroundings. Built development would be a substantial incursion into open countryside, conspicuous in views eastwards across the valley of the Woodham Burn and bringing about the functional coalescence of Woodham Village and Newton Aycliffe. This would also be appreciated in filtered views from the A167 depending in some degree on mitigation measures. The proposals would be visible in views from residential areas and public vantage points on the edge of Woodham Village from where the site occupies rising ground and forms the local eastern skyline. There would be likely to be some significant visual effects in views from that quarter. Development would also be visible in views from the A167 depending on the detail of mitigation measures.
62. *Landscape (Arboriculture)* – Highlight the presence of a number of trees and hedgerows on the site that would need to be protected during construction and taken into account in any reserved matters application.
63. *Sustainability* – Highlight that some facilities and services are beyond maximum walking distances, while advising that the key issue is ensuring that there is an easily accessible footpath to the town centre. If planning approval is granted a condition requiring the submission of a scheme of energy reduction to be submitted should be attached.
64. *School Places and Admissions Manager* – Highlight that a development of up to 350 dwellings would likely generate an additional 105 primary and 35 additional secondary pupils. It is advised that sufficient primary and secondary school places exist to accommodate the development within an appropriate distance from the site.

65. *Archaeology* – Advise that a geophysical survey of the site has been undertaken. Whilst further analysis of this is required this can inform any reserved matters application, to be secured by condition.
66. *Housing Delivery* – Advise that the development should provide a minimum of 10% affordable housing, with the tenure to be agreed through a S106 agreement.
67. *Access & Rights of Way* – Advise that there are no public rights of way crossing the site, however there are permissive paths owned by the Council in the vicinity of the site that could be upgraded to adoptable standards.
68. *Ecology* – Following the submission of additional information and reports, overall no objections are raised to the scheme, subject to the mitigation measures proposed, including the timings of site clearance works. Detail regarding the ecology park, particularly its management and level of public accessibility, would need to be submitted and agreed by condition in order to meet the NPPF requirements of biodiversity compensation and gain.
69. *Environmental Health and Consumer Protection (Air Quality)* – Advise the impact on levels of air quality pollutants that may occur from an increase in traffic levels generated by the development is not significant. Therefore the scheme is acceptable from an air quality perspective during the operational phase.
70. *Environmental Health and Consumer Protection (Contaminated Land)* – Following a review of a phase 1 desk top study, advise a conditional approach in relation to land contamination.
71. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to detail the mitigation measures indicated in the submitted noise impact assessment that would need to be incorporated to safeguard future residents from noise sources.
72. *Design and Conservation* – Do not identify that any heritage related impacts would arise. It is however advised that adequate landscaping should be introduced to the A167. Further consideration of the design and layout of the scheme would be given at the reserved matters stage.
73. *Employability* – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.

PUBLIC RESPONSES:

74. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 25 letters of objection have been received in relation to the development as summarised below:

Principle/Sustainability

- The Impact on local services is highlighted including the overcrowding of schools.
- The applicant's account of public feedback is not reflective of the consultation events.
- The site is too remote from the town centre for anyone to walk for shopping, doctors and schools, increasing reliance on cars for transport.

- The number of dwellings proposed would be inconsistent with the town infrastructure.
- Previous applications have been resisted for housing in the area.
- The demand for the number of houses is questioned.
- Brownfield sites are available, these should be developed first.
- A sixth form collage should be built on the site to stop children having to travel out of the area.
- The proposal does not represent a sustainable extension to Newton Aycliffe.
- The development does not accord with the neighbourhood plan in that development should prioritise the needs of pedestrians, cyclists and users of public transport.

Landscape

- The views of the Council's Landscape Section are supported in that the quantum of development should be reduced.
- A viable ecology park/flood basin corridor should be incorporated, a significantly larger belt of structure landscaping, greater separation to Woodham and greater connectivity for pedestrians and cyclists to the north.
- Concerns are raised on how the public open space would be managed and maintained.

Residential Amenity

- Disturbance during construction.
- Increase in residents would spoil peace and quiet of the areas.

Highways

- The introduction of a further set of lights on the A167 would be another unwelcome barrier to free movement affecting people traveling to work, to and from trading estates and to the town centre, there are already tail backs from the existing traffic lights.
- Concerns are raised regarding a potential future access onto Stag Lane which would have a serious impact on local residents.
- Applications for accesses in this location have been refused in the past.
- Complexity around landownership around the access is highlighted.
- If planning permission is granted existing sections of footway should be upgraded and lit.
- The local centre of Woodham district centre is actually further away by car than the town centre.
- The applicant should fund a bus service to serve the site, as the formation of a bus stop and diversion of existing services would impact on existing services.
- It is considered that the previous approval of an existing access is not directly related to this application given the differing nature of uses.
- Concerns are raised regarding the proposed signalised junction and how this will operate with the increased traffic movements.
- A more appropriate vehicle access to Woodham should be explored and secured, however concerns regarding the impact of this are raised, in terms of traffic generation, highway safety and flooding issues.

Other

- Guarantees are required regarding increased flood risk, increased run off could exacerbate the situation.

- Concerns are raised regarding the building of a bridge which could cause increase flooding if the burn gets blocked. It is stated that the area has experienced major floods.
 - The proposed SUD's pond would not mitigate the increased flow while the developer should provide betterment to the site to help attenuate surface water.
 - Loss of recreation area.
 - Ecological impact, protected species have been seen in the area.
75. One letter of support has been received highlighting that due to the proximity of the business park it would seem sensible to build housing.

APPLICANTS STATEMENT:

76. The proposals were subject to a formal pre-application submission. The applicant proposed a development of up to 500 dwellings. During pre-application meetings the principle of development was agreed with Officers having considered relevant national and local planning policies. The Council's formal response (20th January 2016) concluded that a comprehensive development taking access off the A167 (subject to masterplanning) was the preferred development option. The response requested a 15m landscaping buffer which was duly provided.
77. The applicant duly invested significantly in the submission of an outline planning application. However, 8 weeks into the determination period, a response was received in October 2016 advising that Officers had changed their position and considered the site to represent a 'valued landscape'. The applicant was advised that the planning application was no longer supported by Officers. In an attempt to address the Officer comments, the applicant revised the masterplan, reducing the number of dwellings, increasing open space and providing two pedestrian links to the neighbouring community. We would respectfully request that planning permission be granted based on the following points:
- The Council cannot demonstrate a 5 year supply of deliverable housing land. The applicant's position is that there are no adverse impacts which outweigh the presumption in favour of the application being granted;
 - The policies for the supply of housing, including Green Wedge designation in the Sedgefield Borough Local Plan (1996) are out of date (the policies are now over 20 years old);
 - In the absence of a Draft Local Plan, suitable housing sites should be released now;
 - The site is surrounded by built development and represents a natural and logical extension. The applicant's professional landscape advice is that there is no justification for the assertion that the site constitutes a "valued landscape";
 - Over 8.5 hectares (40% of the site) is dedicated to open green space and wildlife improvements (a linear park and separate "Ecology Park") maintaining clear visual separation from Woodham Village. Pedestrian connectivity to existing residential areas is achievable and safe access can be achieved for vehicles onto the A167.

- The application will contribute toward improvement works to Rushyford Roundabout. The proposed housing falls outside the flood zone and there have been no objections from consultees with regard to surface water management.

78. If granted planning permission, the proposals would deliver the following sustainability benefits:

- A range of new homes to meet identified needs.
- 10% affordable housing provision (up to 43 affordable dwellings).
- New Homes Bonus Payments and increased Council Tax payments. The locality will also benefit from investment, construction jobs and increased expenditure.
- The application would facilitate new investment into Woodham Academy.
- Funding of new street lighting on neighbouring footpaths, and the delivery of new play facilities and improvements to existing open space.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OC5MQOGDIRN00>

PLANNING CONSIDERATIONS AND ASSESSMENT

79. 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, planning obligations, landscape and visual impact, layout and design, highway safety and access, residential amenity, ecology, flood risk and drainage, ground conditions, heritage impacts and other issues.

The Principle of Development

The Development Plan

80. 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 Sedgefield 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.
81. 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.

82. The Great Aycliffe Town Council has reached the later stages in the development of the Great Aycliffe Neighbourhood Plan (GANP). The GANP has been subject of an independent examination and will be subject to a referendum in mid-2017. If supported by a majority at the referendum stage the local planning authority will 'make' the GANP cannot be regarded as forming part of the development plan. This reduces the amount of weight that should be attributed to it. Notwithstanding this partial status, it is now a material consideration in respect to development proposals falling within its geographic extent, which includes this site.

The NPPF

83. 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.

84. 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.

85. 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

86. 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, 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.

87. 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)

88. 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.

89. 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.

90. 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 local plan 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. This however does not mean that no weight should be given to relevant Local Plan policies in the decision making process as discussed below.

Assessment having regards to Development Plan Policies

91. 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.

92. 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 house proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it considered that SBLP Policy H8 is not applicable in this case.

93. 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.

94. SBLP Policy E4 seeks to resist development in designated green wedges to maintain the distinction between the countryside and built up areas, prevent the coalescence of adjacent places and provide a rural setting to development. While the Green Wedges are not specifically referred to within the NPPF, they may be considered NPPF compliant, and therefore afforded weight in decision-making. The development of the site for housing would be in direct conflict with SBLP Policy E4 which only permits developments which maintain the openness of the landscape.
95. It is recognised that SBLP Policy E4 is a policy which controls the supply of housing. Due to the age of the SBLP and housing supply figures that informed it the policy is considered out of date in this respect. However in line with paragraph 12 of the NPPF the development plan is the starting point for decision making, therefore relevant policies should not be disregarded or be given no weight albeit the weight that can be afforded to them is reduced. 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.
96. The Great Aycliffe Neighbourhood Plan (GANP) does not propose any housing allocations nor is the site protected or designated for an alternative purpose under any relevant policy which would influence the principle of development of the site. Remaining policies relate to specific matters rather than influencing the principle of the development.
97. Overall the development of this site would be in conflict with SBLP policy E4, whilst policies related to the supply of housing and development within the countryside in relation to this application are either silent or considered out of date. This does not mean that they should be disregarded or be given no weight, albeit the weight that can be afforded to them is reduced. 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

98. The County Durham Settlement Study 2012 is an evidence based document which categorises Newton Aycliffe as a Main Town with a wide range of services and amenities such as primary and secondary schools, several GP's and Health Centres community facilities and employment sites with transport hubs. In line with the now withdrawn County Durham Plan Newton Aycliffe was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of 430 dwellings is considered to be proportionate to the role of the town within the settlement hierarchy and the level of services provided.
99. SBLP Policy D3 states that developments should provide for all modes of access, including safe and convenient pedestrian and cycle routes. This Policy is considered to be NPPF consistent, and full weight can still be afforded to it. NPPF at Paragraph 61 sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, concerns are raised regarding the integration of the

scheme into the built environment of Woodham and Newton Aycliffe as the single vehicular access point to serve the development would be located on the A167. This would mean that residents would have to travel away from the centres to access them. Pedestrian links are proposed across Woodham Burn by bridge and on to a public right of way (Footpath No. 31 Great Aycliffe no.31) in the south west corner of the site, although it is indicated that improvements to the surfacing of these paths, including appropriate lighting would be made. It is considered that due to the nature of the paths and the topography of the land it would discourage future residents from using them as a means of accessing facilities on foot, particularly in the winter months.

100. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. The Institution of Highways and Transportation (CIHT), in their document “Providing for Journeys” suggest the following walking distances to services:

	<i>Town Centre</i>	<i>Commuting/School/Sightseeing</i>	<i>Elsewhere</i>
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

101. In assessing the application against the above distances when measuring centrally to the site a distance of 1360m is evident to the town centre, 4550m to Aycliffe Industrial Estate. A distance of 660m is evident to the nearest secondary school and 980m to the nearest primary school. The nearest local shop/local retail centre is located 960m away while the nearest GP is located 1750m away. Higher education and hospital facilities are located in Bishop Auckland.
102. When considering these figures, it is noted that the majority of distances are either within ‘Preferred Maximum’ or ‘beyond Preferred Maximum’, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk.
103. In terms of cycle access, the site does perform better, with services in the town centre and Woodham centre are within a 5 minute cycle ride. Bus stops would be provided onto the north and south bound A167 as part of the scheme although these would be up to a distance of 400m or some residents. This would give access to Newton Aycliffe town centre, Durham and Darlington on a regular basis.
104. The NPPF requires that development should support strong, vibrant and healthy communities, by providing housing that has accessible local services, reflecting the community’s needs, as set out in Paragraph 6 of the NPPF, as well as meeting the aims of Paragraph 30 of the NPPF which states that patterns of development should facilitate the use of sustainable modes of travel, NPPF Paragraph 34, which states that developments that generate significant movement are located where the need to travel will be minimised, and that sustainable transport modes can be maximised, and Paragraph 35 of the NPPF, which states that development should be located to give priority to pedestrian and cycle movements, have access to high quality public transport, and consider the needs of people with disabilities and the elderly.

105. Whilst it is considered that the distances to relevant services are at the preferred maximum or beyond preferred maximum distances on balance these are generally considered acceptable in the round. However, concerns are raised regarding the site's relationship with the existing settlement in terms of the nature of connectivity. This is because the scheme relies on a number of pedestrian links through landscapes areas, including proposed provision of a bridge over Woodham Burn. Whilst it is acceptable that these links would be attractive to some future residents, due to topography changes and significant vegetation for other this would not be an appealing route, particularly in the winter months. For this reason the appeal in utilising more sustainable transport methods would be reduced and therefore considered to be contrary to SBLP Policy D3 and Paragraphs 30, 34, 35 and 61 of the NPPF in this respect.

Landscape and Visual Impact

106. SBLP Policies E1 and D1 and require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. These policies are considered consistent with Parts 7 and 11 of the NPPF which set out that good design is indivisible from good planning while also seeking to protect local landscapes. The site is designated a green wedge under SBLP Policy E4 which seeks to safeguard areas that provide the setting to towns and villages. Policy E4 is considered consistent with the NPPF Paragraphs 7 and 17 which emphasise the need to protect and enhance the natural and built environment and to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. SBLP Policy E4 is considered a dual purpose policy, and although set out above it should be afforded reduced weight relating to housing land supply it can be afforded full weight in considering the landscape and visual impact of the scheme. Policy GANP CH1 sets out that developments must respect the landscape character of the parish as defined in the Great Aycliffe Heritage and Character Assessment 2015.

107. The application site consists of open farmland with a network of old hedges and scattered hedgerow trees, the site falls gently to the shallow valley of the Woodham Burn. This area supports a mosaic of grassland, scrub and woodland along the meandering course of the burn. The does not lie within a nationally designated landscape however it is identified as a Green Wedge under SBLP Policy E4 and is attractive in its own right and contributes to the landscape and openness of the town. The Great Aycliffe Heritage and Character Assessment 2015 characterises the land as Agricultural.

108. The Council's Landscape officers advise that the landscape value of the site is of moderate to high and of relatively high sensitivity to built development as the site is designated as a Green Wedge in the SBLP and forms part of the immediate setting of Woodham Village. It is accessed and is visible in places from, the eastern edge of the village. It is also visible from the A167 to the east. While there is significant summertime screening from roadside trees and hedges, there is an awareness of open countryside beyond, rather than housing. It is advised that the importance of this site as countryside lies both in the visual and other amenity including informal recreation that it provides to the residents of the housing to the west, and also in the limit it places on the apparent extent of Newton Aycliffe for people travelling on the A167. Woodham Village is not experienced as an extension of Newton Aycliffe, despite appearing on a map to be so. The proposal would thus be perceived as

extending the boundary of Newton Aycliffe north by over 1000 metres, rather than filling in an area enclosed by existing housing. Due to the role the site plays as a green wedge separating Newton Aycliffe to Woodham Burn it is considered to be a valued landscape in the context of Paragraph 109 of the NPPF. Paragraph 109 requires the planning system to enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

109. Landscape officers advise that the effects of the proposals on the character of the landscape would be transformative at the level of the site and its immediate surroundings. The built development would be a substantial incursion into open countryside, conspicuous in views eastwards across the valley of the Woodham Burn and bringing about the functional coalescence of Woodham Village and Newton Aycliffe. Officers advise that this would also be appreciated in filtered views from the A167 depending in some degree on mitigation measures. The proposals would be visible in views from residential areas and public vantage points on the edge of Woodham Village from where the site occupies rising ground and forms the local eastern skyline where there would be some significant visual effects. The development would also be visible in views from the A167 depending on the detail of mitigation measures, at present this is intended to form structure planting, however there is a Northumbrian Water (NWL) rising main in part of this area which may preclude planting as NWL do not allow development (including structural landscaping) over their apparatus.
110. Overall, the development of the site would result in a significant landscape impact to a parcel of land that provides a strategic separation between the wider development of Newton Aycliffe and Woodham. The development of this site would be in substantive conflict with SBLP Policy E4, and due to the strategic role the site plays within the landscape would fail to contribute to and enhance the natural and local environment by failing to protect or enhance a valued landscape. Paragraph 109 is considered to be a specific policy which indicates development should be restricted for the purposes of Paragraph 14 of the NPPF. The development would also conflict with SBLP Policies E1 and D1 due to this landscape impact while the development would change the character of the land in conflict with policy CH1 of the GANP.

Layout and Design

111. SBLP Policies D1, D2, D4 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D4 and D5 in this respect. Policies CH1, E5, H3, H4, H5 and DB1 of the GANP set out design criteria for developments including the requirement of development being appropriate the character of the area while protecting existing trees, hedgerows and provision of sufficient parking.
112. In this respect the application is in an outline form, however based on the indicative master plan and reserved matters application it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout could be achieved. It is recognised that the development would represent a relatively

low density for the gross site area; however large areas of the site are not developable due to specific constraints such as flood zones. Particular consideration would need to be given to the site's relationship with Woodham Burn in any reserved matters application. Land further to the west is designated a Green Corridor under Policy E1 if the GANP, care would need to be taken to protect the integrity of the green corridor in line with the masterplan.

113. Policy D9 (Art in the Environment) sets out that, the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990 or condition.
114. Overall subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies D1, D2, D4 and D5, Policies CH1, E5, H3, H4, H5 and DB1 of the GANP and Parts 7 and 11 of the NPPF

Highway Safety and Access

115. 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. Policy D3 is 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. Policy H3 of the GANP sets out minimum car parking standards for developments whilst policy GANP T3 seeks to promote pedestrian and cycle links.
116. A new junction on the A167 is proposed to serve the development. This would take the form of a signalised junction with a protected right turn. The Highways Authority advise that the principle of forming a junction of this nature to serve the site has been established under a previous appeal decision and subject to some minor amendments (that could be controlled by condition) the proposal is acceptable in Highways Safety terms. The proposed access arrangements and traffic lights would allow flows on the A167 to be maintained.
117. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application. However, it is indicated that a sufficiently wide distributor road should serve the development which would allow the potential for a future link onto Stag Lane at Woodham Burn should future need dictate as requested by the Highways Authority. The scheme does not propose this highway link to which there is a significant amount of local opposition.
118. In support of the planning application the applicant has submitted a Transport Assessment that considers the impact of the development on the surrounding road

network, including onto the A167 and the junctions on the A689 to the north of the site (Rushfyord Roundabout).

119. 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 Rushfyord 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.
120. 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.
121. 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 110 vehicle movements at the roundabout at the AM peak, and 1120 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 17.8% of the additional traffic.
122. With the overall mitigation scheme costing £644,781, it is expected that on the basis of a 17.8% contribution, that a sum of £114,902 would 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. It is recognised that other developments may not come forward reducing the total amount of funding to deliver the necessary works. However the Highway Authority advise that they are in a position to underwrite the works, whilst any scheme at time of delivery would be proportionate to the total number of committed developments.
123. The Highway Authority has advised that further modelling of the capacity of the highway network in relation to the signalised junctions to the south of the site is required. Whilst it is advised that this work need to be undertaken it is likely that this would not result in a severe impact, at worst minor modification to the signalisation or highway. This could be secured by condition or through a planning obligation secured through S106 of the Town and Country Planning Act 1990.
124. An assessment of the sustainability and accessibility of the site is made above, however the development would provide pedestrian access to Woodham Centre, via a pedestrian foot bridge that would be created over Woodham Burn. A secondary pedestrian access would be made onto an existing adopted footway linking to Woodham College. There is a network of unmade paths within the vicinity of the site, which residents of the development would rely on to access services, the applicant proposed to upgrade these up to adoptable standards. This could be secured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990 as they are owned by the Council and the Town Council. The provision of these links does not override the concerns regarding the accessibility of the site highlighted above.

125. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. Although concerns are raised regarding the pedestrian links and accessibility to services and amenities, in highways safety terms the scheme is considered acceptable with SBLP Policy D3 and L9, GANP Policies H3 and T1, and Parts 4 and 8 of the NPPF in this respect.

Residential Amenity

126. SBLP Policies D1 and D4 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. 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.

127. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook. Further scrutiny of this matter and the internal site layout would be given to a reserved matters application for outline elements of the scheme.

128. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated.

129. The development would increase the comings and goings of vehicles, and pedestrians which would have a limited impact on residential amenity. However, this is not considered to be at a significant reduction that would warrant refusal of the application.

130. Overall the scheme would comply with SBLP Policies D1 and D4 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity.

Ecology

131. The closest site of nature conservation interest is Moor Nature Reserve Mill Wood located 1.2km 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. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species (Amendment) Regulations 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, or the development being a risk to the

protected species is low. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF.

132. Ecology officers have reviewed the submitted extended phase 1 survey and relevant reports and have raised no objections given the lack of protected species present. The applicant proposes to set aside a significant portion of land approximately 3ha to be utilised as an Ecology Park, which would retain the flood capacity function. Ecology officers advise that a detailed strategy for this area, particularly its management, level of public accessibility and lighting would need to be submitted and agreed in order to meet the NPPF requirements of biodiversity compensation and gain. It is considered that this matter could be secured by condition alongside further consideration of any reserved matters application. Subject to agreeing the management of the area, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2012 and the proposal would comply with Paragraph 118 of the NPPF. It is however, encouraged that the reserved matters application should take the opportunity to create new woodlands and hedgerows using native plant species, this can however be secured through condition.
133. Given the lack of impact on biodiversity interests, along with the planting proposed, the development is considered to conform with Part 11 of the NPPF in this respect subject to conditions requiring further details of the ecology park and its management.

Flood Risk and Drainage

134. 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.
135. The application is accompanied by a flood risk assessment (FRA), which highlights that the majority of the application site is within flood zone 1 with a low flood risk probability. Part of the application lies within Flood Zones 2 and 3, however there are no build developments in these areas with the exception of the pedestrian accesses. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's). This includes the implementation of swales and storage capacity within the site, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged to a water course. Subject to securing the detail of this approach and details of the proposed pedestrian connections across Woodham Burn, Drainage and Coastal Protection officers offer no objections to the development. Northumbrian Water also advises a conditional approach to managing surface and foul water discharge. The Environment Agency offers no objections to the scheme providing there is no development in flood zones 2 and 3 and the floor level of properties is set above 79.4m AOD.
136. Subject to conditions to resolve the final surface and foul water disposal no objections to the development on the grounds of flood risk or drainage are raised and it is unlikely that there would be an increased risk of flooding elsewhere. The scheme is considered to accord to Part 10 of the NPPF in this respect.

Ground Conditions

137. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies outside with the Coal Authority's Coalfield area of high risk. Standing advice issued by the Coal Authority is applicable and no further consideration of land stability is therefore required at this stage.
138. Paragraph 120 of the NPPF requires land contamination to be taken into account in the decision making process. In this respect the applicant has submitted a phase 1 desk top study report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.

Heritage Impacts

139. Aycliffe Village Conservation Area which contains a number of listed buildings is located 3.2km to the south of the site. As advised by the Design and Conservation Officer there are no heritage related issues associated with the development, due to the limited inter visibility between to nearest listed buildings and conservation areas. The development would accord with Part 12 of the NPPF in this respect.
140. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a geophysical survey of the site. Archaeology officers advise that although further analysis of the findings is required this could inform the layout of a reserved matters application and no further work is required on this matter at this stage. The development would accord with Paragraphs 128 and 139 of the NPPF in this respect.

Other Issues

141. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 17ha of agricultural land (although the gross site area is greater not all the land is in an agricultural use). A site specific investigation into the land classification does not accompany the application. Natural England classification maps for the North-East region do not make any classification of the site. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
142. In this instance it is considered that the amount of agricultural land (17 ha) to be lost is less than significant. Therefore this should not be considered an adverse impact in the event that the land is best and most versatile, it none the less a negative impact which should be given weight in the planning balance.

143. An Air Quality Impact Assessment has been submitted by the applicant. Following a review of this assessment the Council's Environmental Health and Consumer Protection Section (Air Quality) advise that the impact on levels of air quality pollutants that may occur from an increase in traffic levels generated by the proposed development is not significant. Therefore the impact on air quality during the operational phase is not a reason why the proposed development may not proceed.
144. 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 highlight that some facilities and services are beyond maximum walking distances, while advising that the key issue is ensuring that there is accessibility to the town centre. It is requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. However this would be controlled through Building Regulations.
145. No response has been received from the NHS regarding potential capacity issues within the Newton Aycliffe Area. It is however noted that there are a number of GP surgeries that could serve the development.

Planning Obligations

146. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring that sufficient school places are available to meet the needs of existing and new communities. The Council's School Organisation Manager highlights that a development of up to 430 dwellings would likely generate an additional 105 primary and 35 additional secondary pupils. It is advised that sufficient primary and secondary school places exist to accommodate the development within an appropriate distance from the site.
147. Part 6 of the NPPF sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. The applicant has offered up 10% of the dwellings on an affordable basis to be secured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990 to comply with the Policy requirement.
148. SBLP Policies L1 and L2 sets out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. These Policies are considered consistent with Part 8 of the NPPF which promotes access to high quality open spaces and opportunities for sport and recreation. However in line with Paragraph 73 of the NPPF these targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need.
149. The scheme proposes approximately 5.5 ha of amenity open space, although access would need to be restricted for larger areas for the site to satisfy ecology issues (as below) it is considered that the scheme would satisfy the minimum requirements of the OSNA or any short fall could be secured onsite by condition or an appropriate amount offsite via by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990.

150. The Council's Employability officer request that targeted recruitment and training clauses are included within the 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.

Planning Balance

151. The development of the site would result in a departure from the SBLP as the site is designated a Green Wedge and protected from development under policy E4 of the SBLP. However, in circumstances where relevant policies are out of date and in the absence of a five year housing land supply, the NPPF, as a significant material consideration sets out that the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. Paragraph 14 states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in this Framework indicate development should be restricted. The proposed development is considered contrary to Paragraph 109 of the NPPF, which is a specific Policy that indicates that development should be restricted and so disappplies the presumption in favour. Therefore, there is no requirement for the adverse impacts to significantly and demonstrably outweigh the benefits, however, for clarity the balance test considers the approach where that test would apply.

Benefits

152. 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.

153. 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. Even in the most exacting scenario the Council can demonstrate 4.04 years of supply, and that any shortfall is likely to be temporary, and that there would be a boost in supply through housing allocations, once the County Durham Plan is adopted. 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. The development would provide between 3 to 3.4 months' supply of housing.

154. The development would provide affordable housing to meet an identified need complying with SBLP, GANP and NPPF policies in this respect.

155. 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 and potential jobs associated with the development

Impacts

156. The development would result in significant adverse landscape harm to an area of land forms part of the character of the local area and contributes to the setting of the Town by providing a green wedge between two distinct areas of development. The development of the site would be in direct conflict with SBLP E4 and would result in development of a valued landscape contrary to Paragraph 109 of the NPPF.
157. Although the walking distances to relevant services are at the preferred maximum or beyond preferred maximum distances, these on balance are generally considered acceptable in the round. However, concerns are raised regarding the site's relationship with the existing settlement in terms of the nature of connectivity, particularly the proposed pedestrian link down through Woodham Burn, which would likely limit the choice for prospective residents as to how they travel reducing the appeal in more sustainable transport methods.
158. Loss of agricultural land would arise, however given the size of the site (13ha) this should not be considered an adverse impact even in the event that the land is best and most versatile.

CONCLUSION

159. The development of the site would result in a departure from the SBLP as the site is designated a Green Wedge and protected from development under policy E4 of the SBLP. As relevant SBLP Policies are out of date and in the absence of a five year housing land supply, the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
160. It is concluded that the development would be contrary to Paragraph 109 of the NPPF which is a policy that indicates that development should be restricted and so disapplies the presumption in favour. There is no requirement in this instance for these adverse impacts to significantly and demonstrably outweigh the benefits of the proposal as the presumption in favour of sustainable development is not engaged. Therefore any amount of harm can be considered outweigh the benefits. Adverse impacts have been identified, most notably that the development would result in significant adverse landscape harm. Other impacts such as poor integration to the existing development in terms of vehicular and pedestrian connections and the loss of agricultural land have also been identified.
161. Whilst there are benefits to the proposal, notably the boost to housing supply including affordable homes, direct and indirect economic benefits, it is considered in this instance they are outweighed by the particular adverse impacts identified and therefore the proposed scheme cannot be considered to be sustainable development.
162. 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. A number of matters could be addressed by completion of a S106 legal agreement including the provision of affordable housing and contribution to offsite highway and footpath works is considered. The tests of the relevant legislation in this respect would be met.

163. 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 be **REFUSED** for the following reason:

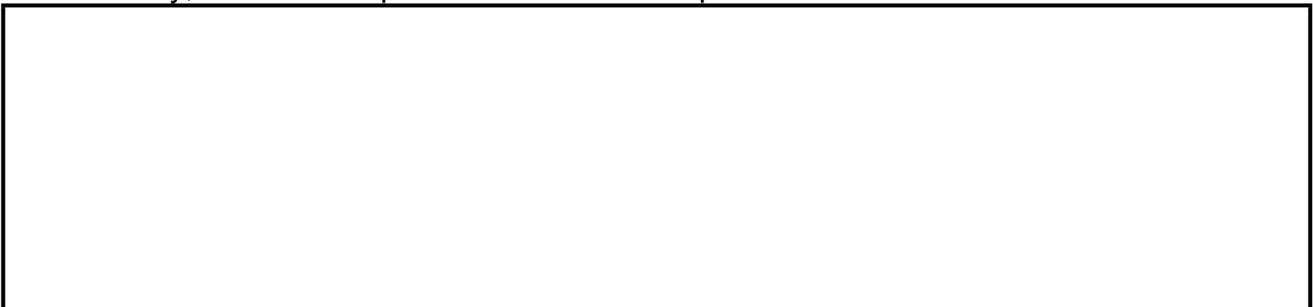
1. The Local Planning Authority considers that the proposed development would result in transformative effects upon the character of the area and setting of Newton Aycliffe/Woodham resulting in significant adverse landscape harm to a valued landscape and designated green wedge, contrary to Policy E4 of the Sedgefield Borough Local Plan 1996 and Paragraph 109 of the National Planning Policy Framework.

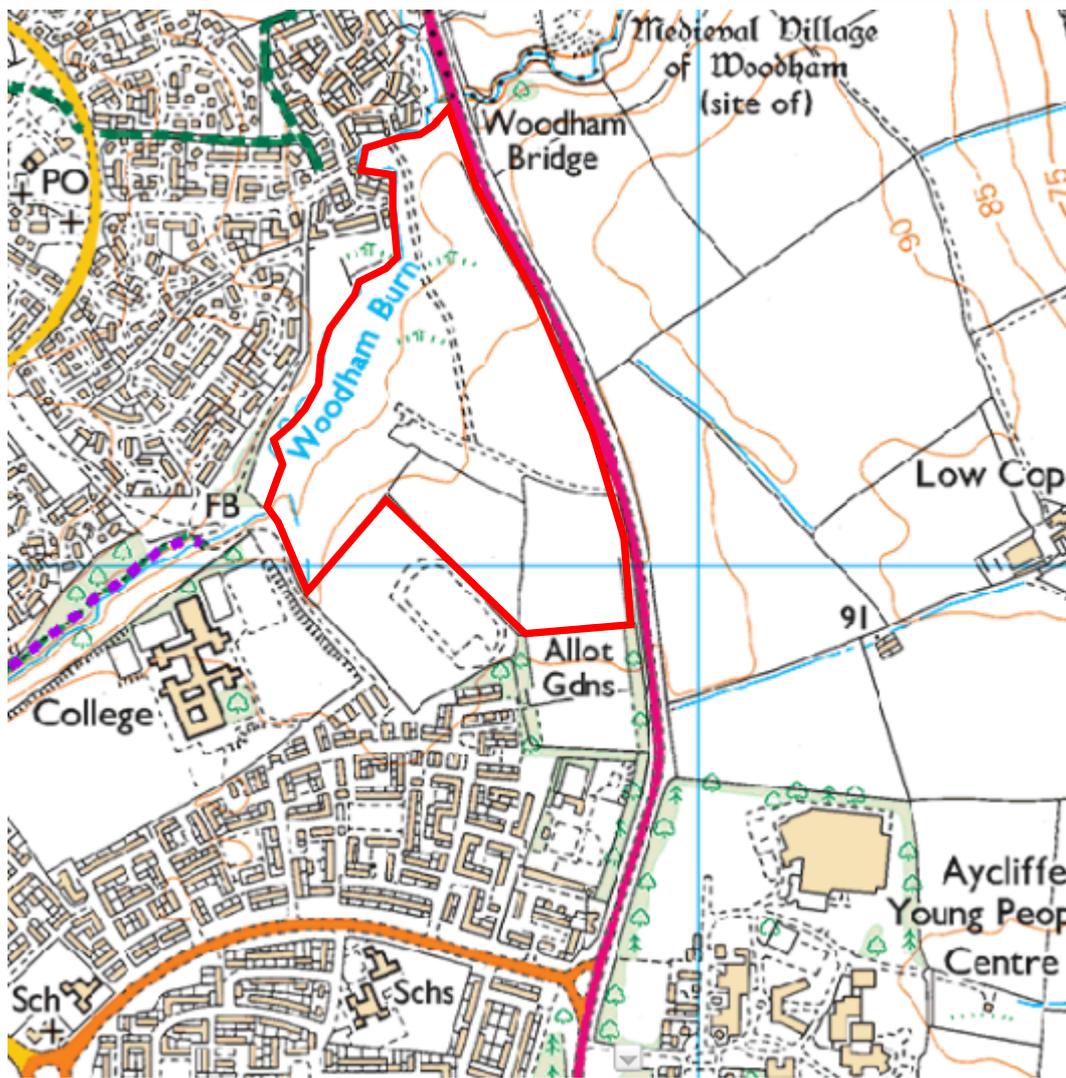
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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)
- National Planning Practice Guidance Notes
- Sedgefield Borough Local Plan 2007
- Great Aycliffe Neighbourhood Plan (2016)
- The County Durham Plan (Submission Draft)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Great Aycliffe Heritage and Character Assessment 2015
- Durham Settlement Study 2012
- Statutory, internal and public consultation responses





Planning Services

DM/16/02709/OUT

Outline application for the erection of up to 430 dwellings (all matters reserved except access) and landscaping and engineering works, Land Adjoining Woodham Bridge Cobblers Hall Road Newton Aycliffe

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Comments

Date February 2017

Scale Not to scale