
APPLICATION DETAILS

APPLICATION NO:	DM/16/00985/OUT
FULL APPLICATION DESCRIPTION:	Erection of up to 240 dwellings, including details of associated vehicular access from a proposed roundabout on Middridge Road, with all matters reserved except for site access.
NAME OF APPLICANT:	Homes and Communities Agency
ADDRESS:	Land to the North of Middridge Road, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
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 site measures 9.20 ha in area and is located to the western edge of Newton Aycliffe, in the vicinity of Cobbler's Hall. The site currently consists of agricultural land and is roughly "L-Shaped", and divided into three distinct areas by shelterbelt trees. Natural England's records show that the site is Grade 3b agricultural land. The site is bordered to the north and west by Cobbler's Hal Plantation, with the A167 lying to the east, and residential development lying beyond a belt of woodland. To the south of the site lies Middridge Road, with Middridge itself lying approximately 1km to the west.
2. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There is a single public right of way within the vicinity of the site (Footpath No. 3 Middridge Village), which runs along the northern boundary of the site and Cobblers Hall Plantation. The plantation itself contains a number of informal unregistered routes. Immediately to the south west of the site, beyond Middridge Road, lies Byerley Local Nature Reserve, whilst 500m to the east, The Moor Local Nature Reserve can be found. The eastern edge of Middridge Conservation Area lies approximately 900m to the west of the site.

The Proposal

3. This application seeks outline planning permission with all matters reserved except access for the erection of 240 dwellings. An indicative site layout suggests that development could be accommodated in three areas, with the tree shelterbelts

being retained and enabling three separate character areas to be developed. The masterplan also shows the proposed SUDS drainage area being accommodated in the south western corner of the site, as well as ecological improvements on the western boundary, and improvements to recreational paths within Cobblers Hall Plantation to the north.

4. In terms of offsite works, a roundabout is proposed where Middridge Road meets Greenfield Way, in place of the existing traffic lights, with an improved 2m wide footway along Greenfield Way also being incorporated.
5. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal over 4 hectares in area.

PLANNING HISTORY

6. Planning permission was refused in April 2008 for a development of up to 400 dwellings on the site (7/2008/0197/DM). The reasons for refusing the application were that it involved the development of a greenfield site, that there was no need to release the site to meet housing supply requirements, that flood risk had not been adequately considered, that insufficient information had been supplied in relation to impact upon biodiversity, the impact of the development upon landscape character, and that the development was poorly related to the public footpath network and existing community facilities.
7. An application (DM/14/03153/OUT) for a total of 241 dwellings was submitted in 2014 on a site immediately to the west, before subsequently being withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

8. 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’.
9. 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.
10. *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.

11. *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.
12. *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. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
13. *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.
14. *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.
15. *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.
16. *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, minimising 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.
17. *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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

18. 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; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; 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

19. *Policy E1 – Landscape Protection and Enhancement* – Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
20. *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.
21. *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.
22. *Policy H2 – Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon* – Identifies major sites which are allocated for housing.
23. *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.
24. *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.
25. *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.
26. *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.
27. *Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

28. *Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
29. *Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
30. *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.
31. *Policy D7 – Structural Landscaping around Major Developments* – Identifies that areas of structural landscaping will be required on the outer edge of identified major housing sites.
32. *Policy D8 – Servicing and Community Requirements of New Development* – states that the Council will normally expect new developments to meet servicing requirements, and to offset costs imposed by the development upon the local community.
33. *Policy D9 – Art in the Environment* – seeks to encourage the incorporation of artistic elements in development schemes.

EMERGING PLAN:

34. 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:

35. *Midldridge Parish Council* – Objects to the application on the basis that the application would encroach on green space between Newton Aycliffe and Midldridge Village, would be contrary to the SBLP, is an inappropriate size of development in comparison to Midldridge Village and would destroy its rural character, that the proposal is overwhelmingly opposed by residents of Midldridge Parish, that there is no need for additional housing in the area, that landscaping provision on the western boundary is inadequate, that issues relating to flooding have not been

addressed, that road traffic levels through Middridge Village would be further aggravated, that cycle and pedestrian access to Middridge Village and Newton Aycliffe are inadequate, and that the requirement of additional school places is understated.

36. *Highway Authority* – Raise no objections. It is advised that the submitted Transport Assessment is considered sound and demonstrates that the network can operate under stable condition subject to mitigation measures at the A167/A689 roundabout. This would include the provision junction widening works and amended road markings to encourage a two lane entry to the junction. The proposed access arrangements onto the unclassified highway are considered acceptable. Conditions are recommended in relation to the detailing of the extended access up to the commercial element of the scheme and in relation to the preparation of travel plans.
37. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted flood risk and drainage assessment.
38. *Drainage and Coastal Protection* – Offer no objections in principle to the scheme providing a detailed scheme of surface water disposal is submitted limiting discharge to greenfield run-off rates utilising sustainable drainage techniques.

INTERNAL CONSULTEE RESPONSES:

39. *Landscape* – Offer no objection, but note that the potential visibility of the site from the east in the immediate vicinity of the development is a matter of concern.
40. *Landscape (Arboriculture)* – No objections are raised, although it is noted that further work is required at the detailed design stage to fully appreciate the impacts on existing trees.
41. *Design and Conservation* – Offer no objection to the application, as it is unlikely to have any adverse impact on the setting of heritage assets.
42. *Ecology* – Offer no objections, advising that the extended Biodiversity Management Plan, as amended is now sound and the indicated green space, and additional mitigation measures has the potential to enhance the overall biodiversity of the site. It is recommended that a planting strategy and lighting strategy should be agreed with the local planning authority.
43. *Environment, Health and Consumer Protection (Pollution Control)* – Offer no objections, and advise that a noise survey is carried out prior to development commencing in order to determine whether any traffic noise mitigation is required. Conditions are suggested in relation to construction management.
44. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
45. *Housing* – Identify that 10% affordable housing should be provided on the site with an appropriate mix of affordable rent and affordable home ownership.
46. *Archaeology* – No objection. The geophysical survey has revealed anomalies that should be tested through targeted trial trenching, but are unlikely to affect the principle of developing the site, and can be secured via condition.

47. *School Places and Admissions Manager* – Advise that there are sufficient primary and secondary school places available in the area to accommodate pupils from the development.
48. *Sustainability* – No objections raised. Advises that there are few issues in terms of access to existing facilities and services. However landscape and ecological constraints are more complex. A condition is suggested with regards to embedded sustainability.
49. *Access and Rights of Way* – No objections raised. There are no registered public rights of way affected. Woodland belts within the site may contain informal paths.

PUBLIC RESPONSES:

50. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 18 letters of objection have been received. The issues raised are summarised below:

Principle of Development

- New housing should be within Newton Aycliffe
- The development will reduce the separation between Newton Aycliffe and Middridge
- Housing development on this site has previously been refused permission
- Impact upon property values.
- Preferable sites are available within or around Newton Aycliffe.

Landscape and Visual Impact

- The development will spoil the countryside
- Development would represent significant incursion into the countryside.
- Development of this site would contravene the County Durham Landscape Strategy.

Biodiversity

- Adverse impact upon wildlife using the site, including bats, owls and jays.
- Adverse impact upon the neighbouring Local Nature Reserve.

Character of area

- Impact of development upon the character of Middridge and the surrounding area.
- The development would lead to an increase in light pollution
- The scale of development proposed is disproportionate to the scale of Middridge Village.

Flood risk

- Flood mitigation proposals are inadequate and rely on third party land in order to be effective.
- Development of this site may lead to flooding of properties to the south.

Sustainability and Highway Safety

- Concerns with regards to school capacity, and that pupils would have to travel to Shildon.
- The development would lead to an increase in pressure upon local services, including GP Practices.
- Walking and cycling routes in the area of the very poor.
- Bus access to Newton Aycliffe town centre is poor.

- Traffic is already at a high level on Greenfield Way and Middridge Road
- Middridge Road is not suitable for high levels of traffic.
- Traffic through Middridge Village would increase.
- Lack of employment opportunities for future residents.

Other concerns

- A survey of Middridge residents revealed that 91% opposed this development.
- Concerns that the quality of the submitted application is poor, and contains errors, and inaccuracies.

51. *Police Architectural Liaison Officer* – The crime risk assessment is considered to be low.

The above is not intended to repeat every point made and 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=O4JZCIGDGWW00>

APPLICANTS STATEMENT:

52. The applicant and landowner is the Homes and Communities Agency (HCA) – the Government’s housing, land and regeneration agency in England. The HCA are charged with delivering locally, working quickly and at scale to boost overall housing supply and economic growth. In doing so, the HCA plays an important part in delivering the Government’s priority to help people to have a home of their own. If outline planning permission is granted the HCA will dispose of the Eldon Whins site to a developer/housebuilder.
53. This is an outline application with all matters reserved with the exception of access. The application is supported by an indicative masterplan. The findings of supporting technical studies have also informed the preparation of the masterplan and the development of key design principles and a framework for guiding the future development of this site which underpin the planning application.
54. The scheme is in line with the key objectives of the National Planning Policy Framework. The delivery of housing on this site would contribute to the Council’s Five-Year Housing Supply, in that the NPPF requires a supply of specific deliverable sites sufficient to provide five years’ worth of housing against housing requirements with an additional buffer to ensure choice and competition in the market for land. The application site formed part of the supply in the May 2015 Housing Trajectory, with 350 dwellings considered to be deliverable (including “Persimmon” site to the west), 120 dwellings of which deliverable within the five year period (ref: 8819).
55. The Council is currently unable to demonstrate a five year housing land supply. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong “presumption in favour of sustainable development”. This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham and is a material consideration in determining proposals.
56. Following the submission of the application Council officers have sought some revision to the scheme and clarification on some matters. This included required amendments to the Flood Risk Assessment, Ecology Surveys/ Mitigation Strategy, Masterplan, Travel Plan, Transport Statement and Tree Survey.

57. The incorporation of Sustainable Urban Drainage Systems (SUDs) on the site and a Geo Physical Survey was also requested by DCC to support the application. The incorporation of SUDS, wildlife mitigation and tree protection zones required amendments to the masterplan to incorporate all the required elements. Such revisions included:
- Addition of trees and buffering along the eastern, southern and western boundaries to aid Great Crested Newt and wildlife movement;
 - SUDS pond to satisfy DCC requirements – this resulted in the loss of dwellings in order to incorporate on site (266 dwellings reduced to 240);
 - Swales added along roads at the request of DCC following submission of SUDS ponds plans; and
 - Tree root protection zones and development protection zones added to ensure the tree belts on site are protected. This resulted in the loss of dwellings and reworking of the roads on site.
58. Further material benefits would be realised by this scheme, namely:
- Supporting the delivery of market and affordable housing in the area;
 - Providing a range of house sizes (2 – 5 bed);
 - Retention of existing tree belts on the site;
 - On site open space; and
 - Financial benefits resulting from the scheme – introduction of new, economically active households to the area, additional expenditure within the local economy, creation of jobs related to the construction.
59. This application is in accordance with the National Planning Policy Framework and Durham County Council’s adopted and emerging planning policies.
60. From technical documents produced to support the application, there are no significant technical constraints that would prevent the implementation of this scheme. We believe that the proposals would deliver a range of important and material benefits, both on the site and in the wider locality. For the reasons set out above and in the other documents submitted with this application, it is considered that the application should be granted permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

61. 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 development, locational sustainability, impact of the character of the surroundings, layout and design, affordable housing, residential amenity, public open space, access and highway safety, ecology, flooding and drainage, and other issues.

The Principle of Development

The Development Plan

62. 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 a statutory component of the 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 greater weight may be given to local plan policies depending on their degree of consistency with the NPPF.
63. The SBLP was adopted in 1996 and was intended to cover the period to 2006. 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. However, 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

64. 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.
65. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. 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.
66. 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

67. 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.
49. 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)
68. 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.
69. 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.
70. 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

71. The SBLP, under Policy H2, seeks to identify suitable sites for housing development, by means of allocations. The application site is identified within Policy H2 as a housing allocation of 8ha, with an estimated yield of 160 dwellings, and is identified as "Eldon Whins". It is clear that the Policy is, in NPPF Paragraph 49 terms, a Policy for the supply of housing. The Secretary of State has previously concurred with a Planning Inspector who considered that where policies for the supply of housing, such as Policy H2, are based on housing figures of some age, and which did not represent an objectively assessed housing need, are "out of date" irrespective of the position on 5 year housing land supply. 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. Policy H2 is therefore considered to be "out-of-date".

72. 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.
73. Policy H2 is considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. Accordingly, it is considered that while out-of-date, moderate weight can be afforded to this Policy.
74. It is noted that some objectors consider the site to no longer be allocated as part of the SBLP, and it is believed that this understanding is based upon the position taken by the former Sedgefield Borough Council on an application in 2008. The position taken by the Borough Council at that time was that as SBLP Policy H7, which was a phasing policy for the delivery of sites allocated by SBLP Policy H2, had not been “saved”, that it followed that those allocations within Policy H2 which were subject to it (including Eldon Whins), would also lapse.
75. Policy H7 was a time limited phasing policy that only ran to 2003 in any event. There is nothing to indicate that it’s deletion from the SBLP would prevent the delivery of Eldon Whins as an allocation, as it merely sought to prevent its delivery before other allocated sites were delivered, or 2003, whichever was sooner. Furthermore, since this time, it has been clarified that when Local Plan Policies were saved in 2007, that they were either saved in their entirety, or not all. The position of Sedgefield Borough Council in seeking to save some allocations within Policy H2, but not others, is not consistent with this. As Policy H2 was saved, and still forms part of the SBLP, it follows that the allocation of Eldon Whins, must also still form part of the development plan.
76. Relevant policies for the supply of housing within the SBLP are out-of-date, and are not fully NPPF compliant, however, 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 of the current housing land supply position the presumption in favour of sustainable development is engaged. Consequently, the acceptability of the proposed residential development 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.

Conclusion on the Principle of the Development

77. The proposed development can draw support from SBLP Policy H2, which allocates the site for housing, and whilst the age of the evidence base upon which this policy is reliant renders the policy out of date, it’s relative consistency with the NPPF means that some weight can still be afforded to it. As described above, the presumption in favour of sustainable development is engaged in relation to the proposed development, and as such, the principle of development would be acceptable, unless having regard to the subsequent assessment of all the material planning issues, there are any adverse impacts that 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

78. The County Durham Settlement Study 2012 is an evidence based document which categorises Middridge as a 6th tier settlement (hamlet), and Newton Aycliffe as a 1st tier settlement (main town). Whilst the site is situated in Middridge Parish, it is better related to Newton Aycliffe in terms of access to services, and given the relative lack of services within Middridge Village itself, it would appear that future occupants of the development would look eastwards towards Newton Aycliffe to meet their living needs.
79. Newton Aycliffe, as a Tier 1 settlement, is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge of Newton Aycliffe is consistent with the role the settlement plays within the County Durham hierarchy and would represent a sustainable, accessible location, and furthermore is reflective of the overall assessment of the site being suitable for residential development through its allocation within the SBLP.
80. From the application site, Byerley Park Primary School is located a distance of approximately 700m away, Horndale Infant School 1.1km away, Walworth School 1.2km away, St Francis CofE Primary School around 1.2km away, St Joseph's RCVA Primary School 1.4km away, and Greenfield Community College is around 1.5km away. Cobblers Hall Village Centre containing a Sainsbury's Local, public house, restaurant/takeaways, Jubilee Medical Group, and a petrol station is around 800m away. All of these distances are within the preferred maximum walking distance suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".
81. Bus stops are located to the south of the site on Middridge Road, providing twice hourly links to Greenfield Community College (approx. 5 mins), Newton Aycliffe Railway Station (approx. 7 mins), as well as Newton Aycliffe town centre (approx. 14 mins) which contains larger facilities, including two supermarkets, large retailers, and a leisure centre. The bus service also provides access to other settlements, including Bishop Auckland (approx. 35 mins), and Darlington (approx. 45 mins).
82. The Council's School Places and Admissions Manager advises that there are sufficient primary and 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. Jubilee Medical Group at Cobblers Hall Village Centre is currently accepting new patients, indicating that there is existing capacity.
83. Overall, it is considered that the site has access to a large array of services and facilities, 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 Newton Aycliffe 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.
84. Several objectors, including the Parish Council, have raised concern that the development is poorly related to Middridge Village, despite being located within Middridge Parish. This is arguably the case, as the site lies at the eastern extremity of the parish, and is clearly separated from the village, and will have little, if any

visual relationship with it. However, it will have a clear relationship with Newton Aycliffe, and it is considered reasonable to assume that future occupiers will make use of services that are most convenient to them, and these will almost certainly be within Newton Aycliffe, due to the range of services on offer, and the ease of accessibility to them. Therefore, it is considered that no harm results from this separation from Middridge Village.

85. In conclusion, it is considered that 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 Policies D1, D2 and D8 of the SBLP which are considered consistent the NPPF in this respect.

Impact on the character of the surrounding area

86. 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. SBLP Policy D7 seeks to secure structural planting on the edge of a number of allocated sites, including the application site. 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, D5 and D7 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 village, or is read as an incursion into the open countryside, and whether it represents good design.
87. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies in the *Sedgefield, Windlestone and Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type. The site is made up partly of open farmland surrounded by and crossed by woodland and shelter belts. These follow the layout of medieval or early post medieval enclosures with Cobbler's Hall Plantation, which appears on the second edition Ordnance Survey map, bounding the site to the north west and north east. The site does not lie within a locally or nationally designated landscape.
88. The Council's Landscape officers have reviewed the scheme and have advised that from the north the site is well screened by Cobbler's Hall Plantation. The site is visible from Middridge Road to the east and south, though from the south it is better screened by the existing roadside hedge. Of particular concern is the potential visibility from the east in the immediate vicinity of the development, which unless mitigated, would potentially have a conspicuous effect of extending Newton Aycliffe into the open countryside.
89. Although the layout is only indicative at this stage the scheme indicates retaining the existing shelter belts as areas of structural landscaping within the site, which would aid in visually breaking the development into separate and distinct parcels. This should, it is considered, aid in reducing any sense of the development sprawling beyond the limits of Newton Aycliffe. This sense should also be reduced as the site relates to existing housing to the south of Middridge Road, and west of Greenfield Way.
90. As noted above, the site would have little, if any visual relationship with Middridge village itself, and therefore it follows that the impact of the development upon the character of the village would be minimal. Although it would serve to bring built

development closer to the village, a buffer of open countryside of around 1km in depth would remain between the development and the eastern edge of Middridge.

91. Whilst the development would change the nature and appearance of the site, a matter that a number of objectors have cited as a matter of some concern, the site is not located within any designated landscape, and any visual impact would be confined to the site's locality. The indicated landscape mitigation would be effective in reducing the visual impact of the development, although this would need detailing in any reserved matters application to maximise its effectiveness. The indicated mitigation planting along the eastern edge of the site would however need to be implemented at the appropriate stage to ensure screening at different stages of this development. It is recommended that this is secured by condition, however subject to this, the proposal would be considered to be in accordance with SBLP Policy D7, which seeks to secure structural planting on a number of allocated sites. The indicative site layout sets out that the majority of existing mature trees, within the shelter belts, could be retained in the development in accordance with SBLP Policy E15. This would be a key consideration of any reserved matters application, but it would nonetheless be appropriate to impose a condition seeking the protection of retained trees during construction.
92. Several objectors have cited the development's impact upon the "green wedge" as a matter of concern, however the site does not lie within the "green wedge" as defined in SBLP Policy E4, although Cobbler's Hall Plantation, which lies adjacent to the site, does. As a consequence, it cannot be considered that the proposal would have an unacceptable impact upon the green wedge, as the site does not form part of it.
93. Overall, the proposals would entail an incursion of built development into attractive open countryside, and 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 in terms of landscape impact, the development would not wholly comply with SBLP Policy D1, in that there would be residual landscape harm. However, the landscape is not considered to 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.
94. 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 can be mitigate to the extent that it 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

95. 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 and the incorporation of a public art feature can be secured by means of a planning condition.

96. 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, D5, D9 and E15 in this respect.
97. The proposed indicative masterplan suggests that a cohesive development could be achieved on the site, maximising the attractive character of the existing shelter belts, and the proximity of Cobblers Hall Plantation to the north, whilst providing three distinct development areas, presenting the opportunity for any final design to incorporate distinct character areas. Whilst noting the outline nature of the application it is considered that this would provide for an acceptable layout, with main elevations fronting out onto the internal road network. This matter would however be fully controlled in any reserved matters application.
98. Overall subject to the securing and detailing of the proposed landscaping of the site the development would have an acceptable impact on the character and appearance the surrounding area, while the indicated layout could provide for an attractive cohesive development. The development is therefore considered to comply with SBLP Policies D1, D2, D5 and D9, as well as Parts 7 and 11 of the NPPF subject to the attached conditions in relation the implementation of landscaping.

Affordable Housing

99. 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.
100. 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.
101. 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 regard.

Residential Amenity

102. 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.

103. The indicative site layout for the housing element of the proposal suggests 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, along with ensuring that the development would achieve suitable internal layouts and separation distances.
104. Whilst the layout plan accompanying the application is only for indicative purposes it does demonstrate that appropriate separation distances can be provided between existing and proposed dwellings such that there would be no significant adverse effects in terms of loss of light or dominance. This would be controlled through a subsequent reserved matters submission.
105. Environment, Health and Consumer Protection officers advise that there is the potential for road noise to future occupiers of the development. However, it is considered unlikely that this would amount to statutory nuisance, or lead to unacceptable levels of residential amenity, if properly addressed with design mitigation at the detailed design stage.
106. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of the planning system that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties, some form of control is necessary. The issues raised by Environment, Health and Consumer Protection officers could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties.
107. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured and further required in subsequent applications. The development is therefore considered compliant with SBLP Policies D1 and D5 in this respect and Parts 8 and 11 of the NPPF.

Public Open Space

108. 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.
109. 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.
110. At the present time, it is not possible to fully ascertain open space provision within the site, as the proposed masterplan is only indicative. However, the OSNA sets out that a total of approximately 1.28ha of public open space be provided on site, in the form of semi-natural greenspace, amenity space, and play provision. This level of provision can be secured at the reserved matters stage by means of a planning

condition, although it is acknowledged that the retention of the existing shelter belts may meet a proportion of this requirement due to their existing amenity value.

111. It is not normally expected that Parks & Garden, Allotment, or Outdoor Sport Space provision be made within the site, with financial contributions to improve existing, or provide new facilities within the local area instead being provided, and these can be secured through a planning obligation secured through Section 106 of the Town and County Planning Act 1990. In this instance it is expected that a contribution of £86,400 towards the improvement of allotments within Middridge Parish, and £60,480 towards upgrading existing sports facilities within Great Aycliffe and Middridge Electoral Division would enable residents of the new development to have adequate access to such facilities. With regards to parks and gardens, the applicant has indicated that they are willing to enter into a scheme of improvements to Cobblers Hall Plantation in partnership with Great Aycliffe Town Council, and this can also be secured via a planning obligation.
112. Overall therefore, the application is considered to be in accordance with SBLP Policy L2 and Paragraph 73 of the NPPF with regards to the provision of public open space.

Access and highway safety issues

113. 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.
114. 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.
115. The TA establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered "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.
116. 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.

117. 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 89 vehicle movements at the roundabout at the AM peak, and 97 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 14.4% of the additional traffic.
118. With the overall mitigation scheme costing £644,781 and taking account of contributions already received, it is expected that on the basis of a 15.4% contribution, that a sum of £92,920 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.
119. With regards to pedestrian movement, it has been identified that links to Newton Aycliffe could be improved, with no pedestrian footway from the site being available, and no obvious means of crossing Greenfield Way being available. 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. This is also a matter that has been raised as a concern by a number of objectors.
120. In response to these concerns, the applicant has developed a scheme of off-site highway works, comprising the provision of 2m wide pedestrian footway on the western side of Greenfield Way running from the site southwards to meet the existing pedestrian subway 350m to the south. It is considered that these measures adequately address the highway safety concerns, and would enable convenient pedestrian access towards Newton Aycliffe. The implementation of this footway can be secured by means of a planning condition.
121. 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.

Ecology

122. The closest site of nature conservation interest is Byerley Park Local Wildlife Site which is located immediately to south 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 a small population of Great Crested Newts is present at Byerley Park LWS, that bats are using the site for foraging and commuting, and that although no evidence has been found, that badger may occasionally use the site for foraging. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site.
123. With regard to impacts upon Great Crested Newts, mitigation is proposed in the form of exclusion fencing and newt removal from the site prior to development commencing, the carrying out of works at times of year where disturbance will be minimised, and providing GCN habitat within the development. Furthermore, it is proposed to enhance the existing pond within Cobbler's Hall Plantation as an amphibian habitat.

124. With regards to bats, all trees to be removed will be checked for roosts prior to work commencing, 10 bat boxes or tubes will be installed within the completed development. A 'hop over' in the form of a canopy bridge over the access roads that will sever the shelter belts will also be provided to aid safe bat community, and additionally, the lighting scheme for development will be designed being mindful of bat activity. In order to mitigate impacts upon birds, 10 nest boxes will be incorporated within the final development. Impacts upon badgers and hares that may be using the site for foraging will be minimised through appropriate working methods during construction, such as covering open excavations, or providing means of escape.
125. Ecology officers have reviewed the submitted information and have raised no objections, although improvements to the mitigation has been suggested and incorporated. The improvements to the existing pond in Cobbler's Hall Plantation, and also improved management of public access to this area in the form of creating a formal footpath, would assist in improving biodiversity in the immediate vicinity of the site, and can be secured by means of a planning obligation. The Plantation is currently in the ownership of Great Aycliffe Town Council (GATC), who would need to be a signatory to the legal agreement, however discussions between the applicant and GATC suggest that agreement can be reached. It is also proposed to provide a financial contribution of £15,000 towards the creation and maintenance of native meadows at Middridge Meadows, which is Durham County Council owned land located to the south west of Middridge village, in order to provide net biodiversity gain.
126. The County Ecologist has also advised, that due to the proximity of a GCN population to the application site, that a Natural England licence may be required, in order for development to proceed. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
127. Of these tests, it is considered that there would not be a satisfactory alternative to removing any newts that are present on the site when development would be likely to commence. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed mitigation measures would secure this, subject to final appropriate locations being agreed within any detailed design scheme.
128. With regard to the public interest test, this can only be concluded upon once the planning balance test, as set in NPPF Paragraph 14 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
129. Therefore, subject to a condition relating to a lighting strategy, adherence to the Biodiversity Management Plan, and an informative in relation to the timings of vegetation clearance, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal would comply with NPPF Paragraph 118. 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 controlled through any reserved matters application.

130. Given that biodiversity impacts can be adequately mitigated, both on and off site, along with the planting proposed, the development is considered to conform to SBLP Policy E11, and Part 11 of the NPPF in this respect subject to the conditions outlined above. Natural England offers no comments on the scheme.

Flooding and drainage

131. 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.
132. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA does identify that there are areas of high risk surface water flooding on the site and mitigation would be required to deal with this. The FRA sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUDs). This includes the implementation of storage/attenuation ponds on an area of amenity land central to the site. This, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged into Northumbrian Water's drainage network, who offers no objections to the application advising that surface water flows can be accepted from the proposed development. The Environment Agency has raised no objections to the application on flood risk grounds advising that the Council as the Local Lead Flood Authority should consider the matter. Drainage and Coastal Protection officers offer no objections in principle providing a detailed scheme design is submitted.
133. A condition to resolve the final surface and foul water disposal proposals are recommended and no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.
134. It is noted that this matter is of particular concern to several objectors. These concerns have been considered, and officers are satisfied that an adequate, and appropriate drainage scheme can be achieved on the site, which would not increase flood risk elsewhere. It has been noted by objectors that any drainage scheme may rely on watercourses and culverts in third party ownership, however the agreement to use such infrastructure, and its future maintenance is ultimately a matter for the developer and such a third party to reach agreement upon, and is not a reason to withhold planning permission. If any agreed drainage scheme proves to be undeliverable, it will be any developer's responsibility to agree an alternative suitable drainage scheme with the Local Planning Authority before development can commence.

Other Issues

135. Environment, Health and Consumer Protection officers (Contaminated Land) have noted that the development would result in "a more sensitive end user" but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case. The site falls within the defined

Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety. An informative can be added having regards to the requirements of Paragraph 121 of the NPPF.

136. As advised by the Design and Conservation Officer there are no heritage related issues associated with the development, in particular, there being no impact on the setting on Middridge Conservation Area given the distance separating the sites and absence of inter-visibility. However, in terms of archaeology, after reviewing the submitted Geophysical Survey Archaeology, Officers advise that no further work is required, and that the application is acceptable, and in accordance with Part 12 of the NPPF.
137. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. This is a matter which can be addressed through the proposed planning obligation.
138. 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.

Planning Balance

139. The acceptability of the housing element of the scheme 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

140. 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.
141. 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.
142. 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, which is likely to be within the

next 2 years. 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.

143. 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 a planning obligation secured through S106 of the Town and Country Planning Act 1990.
144. 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.
145. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.
146. 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 improvements to biodiversity, off-site open space provision, and highways improvements are all considered to be in accordance with these tests, as is the securing of affordable housing. The provision of a targeted recruitment and training scheme, does not meet these tests, although the applicant has indicated that they are willing to enter into an agreement in order to provide it. However, no weight should be afforded to this element as a result.

Adverse Impacts

147. The development would result in the loss of around 9ha of agricultural land, however the site comprises Grade 3b agricultural land, and is not therefore "best and most versatile". Accordingly, the weight afforded to this adverse impact is reduced.
148. There would be an adverse landscape impact, with the character of the site being transformed. 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

149. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
150. The residential development would be in accordance with SBLP Policy H2, and 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 policy, that the presumption in favour of sustainable development is engaged. Therefore, residential development is required to be considered in the context Paragraph 14, which states that the development should be approved without delay, 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.

151. 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.
152. 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, and it has also been demonstrated that ecological impacts can be adequately mitigated.
153. Having regards to the above, 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.
154. The proposal has generated some public interest, with letters of objection 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.
155. With respect to the Natural England licence derogation tests, it can be concluded that as the development is considered to be sustainable, and that there are not adverse impacts that significantly and demonstrably outweigh the benefits, that it would be in the overriding public interest to grant a Natural England licence, and this element of the derogation tests is met. Consequently, it is considered likely that a Natural England licence would be granted.

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 voluntary scheme of targeted recruitment and training for the construction phase,
- £92,920 towards highways mitigation works at A167/A689 Rushyford Roundabout,
- £86,400 towards the provision of improvements to allotments within Middridge Parish,
- £60,480 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division,
- £15,000 towards biodiversity improvement projects within Middridge Parish,

- a scheme of improvements to Cobblers Hall Plantation in relation to ecology and public access.

And the following conditions:

Time Outline

1. No development other than site clearance and remedial works shall take place 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

2. The development hereby approved shall comprise a maximum of 240 dwellings.

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

Plans

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

Proposed Roundabout Junction C007
 Proposed Site Access 40M ICD Roundabout Junction and Offsite Foot/ Cycle Improvements C001
 Concept Masterplan UD003
 Root Protection Zones UD_M_02
 Land Ownership P-02
 Location Plan P-01

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

Engineering details of access and highway improvements

4. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan "A075568-2 CD01 Rev C" 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 5th dwelling.

Reason: In the interests of highway safety in accordance with Policy D3 of the Sedgfield Borough Local Plan and part 4 of the National Planning Policy Framework.

Maintenance of highway

5. 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 and maintained 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 National Planning Policy Framework.

Tree Protection

6. 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 National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape implementation and management

7. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved, a detailed landscaping scheme 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, including treatment of south eastern boundary of the site.
- 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 of their initial planting.

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 and D9 of the Sedgfield Borough Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Play Area

8. Notwithstanding the submitted information, prior to the occupation of the 5th dwelling, full details of on-site public open space, including semi-natural greenspace, play space, and amenity open space, totalling a provision of 1.28ha shall 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 areas shall be fully implemented and maintained 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 Sedgfield Borough Local Plan and Paragraph 73 of the National Planning Policy Framework.

Site Levels

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

Reason: In the interests of the visual amenity in accordance with Policies E1, D1 and D5 of the Sedgfield Borough Local Plan and parts 7 and 11 of the National Planning Policy Framework.

Travel Plan

10. Prior to the occupation of the first dwelling a Framework Travel Plan shall be 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 Sedgfield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Foul and surface water

11. No construction works other than site clearance shall be undertaken until a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

The submitted scheme should be based upon the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy

requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following:

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping.
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the National Planning Policy Framework.

Public Art

12. 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 Sedgfield Borough Local Plan and Part 7 of the National Planning Policy Framework.

Ecology Mitigation

13. 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 bat flyover; 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, and great crested newts.
- 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 National Planning Policy Framework and Policy E11 of the Sedgefield Borough Local Plan.

Lighting Strategy

14. 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 National Planning Policy Framework and Policy E11 of the Sedgefield Borough Local Plan.

Working Hours

15. 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

16. No development shall take place until a detailed acoustic report, carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from commercial premises and from road traffic noise. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied.

55dB LAeq 16hr in outdoor living areas

40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)

30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700).

and 45 dB LMax in bedrooms during the night-time

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

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

17. 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

18. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority

is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- (a) A Phase 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 National Planning Policy Framework. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.

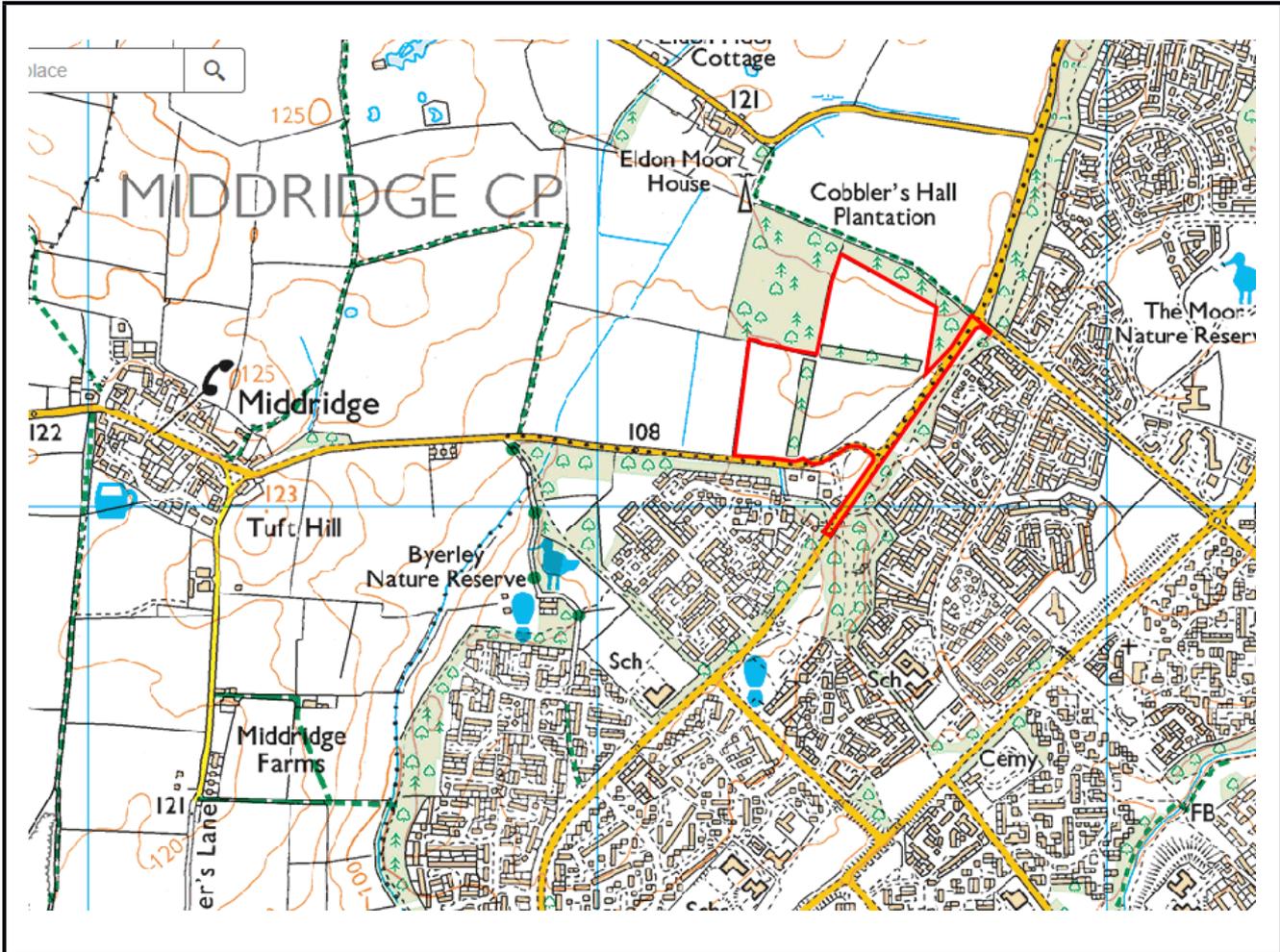
STATEMENT OF PROACTIVE ENGAGEMENT

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)
- National Planning Practice Guidance notes.
- Sedgfield Borough Local Plan

- Statutory, internal and public consultation responses.
- County Durham Settlement Study 2012



Planning Services

(DM/16/00985/OUT)

Erection of up to 266 dwellings, including details of associated vehicular access from a proposed roundabout on Middridge Road, with all matters reserved except for site access, Land to the North of Middridge Road, Newton Aycliffe

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Comments

Date February 2017

Scale Not to Scale