

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00248/FPA
FULL APPLICATION DESCRIPTION:	Erection of 22 dwellings
NAME OF APPLICANT:	Chapter Homes
ADDRESS:	Land East Of Agnew Community Centre And North Of Woodham Way, 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 site is situated within the Cobbler's Hall area of Newton Aycliffe, and forms a greenfield site extending to 0.7 hectares.
2. The site is bounded to the west by existing housing and Agnew Community Centre, with further housing lying to the south, beyond Woodham Way. To the north of the site is South Agnew Plantation. To the east, beyond an area of mature woodland, lies Woodham Park which serves a public amenity function. Phase 1 of the development is currently being constructed immediately to the south of the site.
3. The site itself is largely flat, and is characterised by mature scrub, grassland and a variety of trees and bushes, of varying maturity and quality. The site is not subject to any landscape, heritage or ecological designations, although The Moor Local Nature Reserve lies approximately 0.5km to the north west. The site lies within Flood Zone 1, and the closest public right of way is Footpath No.33 (Great Aycliffe) which is situated around 275m to the north of the site, beyond South Agnew Plantation.

The Proposals

4. Planning permission is sought in full for the erection of 22 dwellings with associated access and works. Access to the site is proposed from Woodham Way. Four of the proposed dwellings already benefit from planning

permission, having been approved as part of Phase 1. However the layout of these plots needs to be altered to achieve the access road into Phase 2, and are included within this application for this reason.

5. For the remaining 18 proposed dwellings, a total of 3 detached housetypes are proposed, comprising 3 & 4 bed properties, all of which would be constructed from brick. The application includes no affordable housing provision.
6. The development would be accessed via Phase 1, pedestrian links to the existing housing immediately to the west would be retained, as would mature trees and dense hedgerows to the east.
7. The application is being presented to Committee as it represents major development of more than 10 dwellings.

PLANNING HISTORY

8. There is no planning history relating to this specific site, however on land immediately to the south of the site;
9. DM/15/02243/FPA - Erection of 125 dwellings and associated infrastructure – Approved 20.11.2015

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal;
12. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

13. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. 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.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
17. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
19. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters, including design, flood risk, land stability, noise, transport and travel, planning obligations, and planning conditions.

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

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

21. *Policy E15 (Safeguarding Woodlands, Trees and Hedgerows)*. This policy states that development proposals to retain other areas of woodland, important groups of trees, copses and hedgerows wherever possible and replace trees which are lost.
22. *Policy H2 (Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon)*. This policy identifies sites that are allocated for housing development.
23. *Policy H19 – (Provision of a Range of House Types and Sizes including Affordable Housing)*. In granting permission for development on allocated sites, the Council will encourage developers to provide an appropriate variety of house types and sizes, including the provision of affordable housing where a need is demonstrated.
24. *Policy L2 (Open Space in New Housing Development)*. This policy duplicates the open space requirement of policy L1 on major developments. This policy requires 1.8ha for up to 300 new dwellings of informal play space and amenity space.
25. *Policy L9 (Footpaths, Cycleways and Bridleways in the Countryside)*. States that the Council will seek to promote the provision of safe, attractive and convenient network of footpath, cycleway and bridleway routes by maintaining and enhancing the existing rights of way network and taking opportunities to extend it and creating a series of local networks throughout the Borough.
26. *Policy D1 (General Principles for the Layout and Design of New Developments)*. This policy seeks a number of design principles to be applied to new developments these include: a comprehensive approach which takes account of the sites setting, attention to the design detail of buildings and their spatial relationship to open spaces, landscaping and boundary treatments; conservation of energy, safe provision for pedestrian and cyclists.
27. *Policy D2 (Design for People)*. This policy seeks particular attention for the personal safety and security of property, the access of users. It seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of Durham CC, including those that arise from growth and to make all services accessible to all.

28. *Policy D3 (Design for Access)*. This policy requires new development to make satisfactory and safe provision for pedestrians, cyclists, public transport, car and other users.
29. *Policy D5 (Layout of New Housing Development)*. This policy seeks to ensure new housing developments are, safe, attractive, have a clearly defined road hierarchy, make provision for open space, provide for adequate privacy and amenity and have well designed walls and fences.
30. *Policy D6 (Layout and Design of Pedestrian Areas and Public Spaces)*. This policy seeks to ensure a co-ordinated approach to the layout and design of public spaces is achieved.
31. *Policy D8 (Servicing and Community Requirements of New Developments)*. This policy states that proposals will be required to meet the servicing requirements of the development and contribute towards offsetting the costs of the development upon the local community.
32. *Policy D9 (Art in the Environment)*. This policy states that the Council will encourage the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

33. 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 Great Aycliffe Neighbourhood Plan (GANP)

34. The Great Aycliffe Neighbourhood Plan was subject to a local referendum on 22nd June 2017, whereupon it received the support of 91.2% of the vote. In accordance with Section 3 of the Neighbourhood Planning Act 2017, the draft neighbourhood plan now becomes part of the development plan, ahead of its adoption. As a result, it should now be afforded significant weight in the decision making process. The following policies of the GANP are considered relevant to this application:
35. *Policy CH1 (Landscape, Character and Townscape)*. This policy seeks to ensure that new development respects the landscape character of the parish, by maintaining existing hedgerows, trees and woodland, by accommodating and providing tree-lined avenues to maintain existing character, and by ensuring that green open space is set aside within the development site.
36. *Policy CH3 (Existing Amenity Open Spaces & Recreational Areas)*. This policy states that existing open spaces, sports and recreational buildings and land not specifically identified in Policy CH2 should not be built on, except in very special circumstances, where an assessment has been undertaken which shows that the open space, buildings, or land are surplus to requirements; or where the loss resulting from the development would be replaced by better provision; or the development is for alternative sports and

recreation provision; or the development can help alleviate extensive, long-term on-street parking problems.

37. *Policy E4 (Existing Tree Retention and Removal)*. This policy states that new development proposals should have regards to the local distinctive landscape character, including tree-lined avenues where they exist. New proposals that result in a net loss of trees will only be supported if there is compensatory mitigation. Where tree is loss is unavoidable, at least two of similar value should be replaced in a nearby suitable location.
38. *Policy E5 (Protection of Trees within New Development)*. This policy states that proposals for new development will be expected to retain existing trees where possible and integrate them fully into the design, having regard to their management requirements and growth potential. New development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss.
39. *Policy H1 (In-Fill Developments and Small Sites)*. This policy states that permission will be granted for suitable in-fill developments and small sites of less than 30 houses where the development is proportionate to the scale of the settlement, is within the built-up area, is well contained, respects the character and form of the locality, and is related to part of an established settlement.
40. *Policy H3 (Parking Standards for new Residential Development)*. This policy sets out parking standards for new residential development.
41. *Policy H4 (Parking Mitigation)*. This policy states the minimum size expected where a garage is included within the design of a new dwelling.
42. *Policy H5 (Provision of In-Curtilage Parking and Storage)*. This policy states that where no garage provision is made within new residential development, that there must be an in-curtilage parking area provided.
43. *Policy H6 (Securing Energy Efficient Homes)*. This policy encourages that developments should be designed to the highest possible energy standards, unless it can be demonstrated that to do so would lead to the development becoming unviable.
44. *Policy H7 (Housing for Older People)*. This policy states that all residential developments of more than 10 units will include a 10% provision of bungalows, unless it can be demonstrated that to do so would lead to the development becoming unviable.
45. *Policy H8 (Affordable Housing)*. This policy supports the provision of affordable housing on sites over 10 dwellings, unless it can be demonstrated that to do so would lead to the development becoming unviable.
46. *Policy H9 (Provision of Facilities and Services)*. This policy states that all proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site

facilities for example improved drainage, parks, play areas or footpaths as required to make the development acceptable in planning terms.

47. *Policy T3 (Cycle Provision and Walking Routes)*. This policy states that major and significant development proposals must provide safe well lit, accessible and attractive cycle routes or public footpaths through the site and wherever possible appropriate the site to local schools and shops. This may include upgrading existing cycle routes and public footpaths. Conversely, development proposals which limit the potential to enhance local cycle or public footpaths will not be permitted.
48. *Policy CIL1 (Developer Contributions)*. This policy states that all new development must provide necessary and appropriate new facilities, relevant and related to the development, on site, or contribute to off-site facilities, as required either by means of planning conditions, a Section.106 agreement or use of Community Infrastructure Levy (CIL) as appropriate. Any necessary facilities and/or infrastructure will be secured by negotiation on a case by case basis taking viability into account.

The County Durham Plan

49. 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)

http://www.great-aycliffe.gov.uk/uploads/Neighbourhood%20Plan/Full_Plan_-_Referendum_Version.pdf (Great Aycliffe Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

50. *Great Aycliffe Town Council* – Advise that it has no comments or objections.
51. *Highway Authority* –No objections are raised, subject to additional alterations to the layout in the form of 1.8m footways being incorporated behind the proposed visitor parking bays, and the turning head between Plots 13 and 15.
52. *Northumbrian Water* – No objections are raised subject to a condition being attached that secures further details of foul and surface water management.
53. *Drainage and Coastal Protection* – Raise no objections. The submitted drainage details are considered to be acceptable.

INTERNAL CONSULTEE RESPONSES:

54. *Spatial Policy* – Raise no objections. It is advised that housing on this site could be considered to be acceptable in principle, in the context of the development plan and NPPF. It is also advised that the viability evidence presented by the applicant demonstrates that the ability to develop the scheme would be threatened if affordable housing or onerous planning obligations are sought.
55. *Design & Conservation* – No objections are raised, although some points of improvement relating to streetscene, landscaping, the relationship of the development with South Agnew Plantation, which lies immediately to the north, and permeability are suggested.
56. *Landscape* – Do not object to the application, but raise concerns in terms of the impact of the development of this site upon links to the north, and also with regards to rear garden fences being presented to the woodland to the north and east.
57. *Aboriginalist* – No objections are raised, although a landscape plan including tree removal, management and protection should be secured by condition.
58. *Ecology* – Raise no objections subject to the mitigation recommendations within the report being implemented. Some concerns are raised with regards to the relationship of rear gardens of the proposed dwellings with woodland immediately to the north.
59. *Environmental Health (Contaminated Land)* – No objections are raised. The site has previously been assessed with regards to land contamination and found to be acceptable for development.
60. *Environmental Health (Pollution Control)* – No objections are raised. It is advised that the development should be considered in accordance with the Technical Advice Note (TAN). However, it is also advised that the site is removed from immediate noise sources, and as such is unlikely to be impacted on by noise likely to breach the thresholds contained within the TANs.
61. *Environmental Health (Air Quality)* – No objections are raised, subject to the development of a suitable Travel Plan to support the development.
62. *School Places and Admissions Manager* – No objections are raised as there are sufficient primary and secondary school places available to accommodate the additional pupils likely to be produced from this development.
63. *Sustainability* – Raise no objections.

PUBLIC RESPONSES:

64. The application was advertised in the press, on site and in the locality, and letters were sent to neighbouring residents. No responses have been received.

NON-STATUTORY REPRESENTATIONS

65. Durham Constabulary Architectural Liaison Officer – No objections are raised, although it is indicated that the development should be constructed in accordance with Part Q of The Building Regulations.

APPLICANTS STATEMENT:

66. Chapter Homes commenced development at Eden Field in January 2016 with the first properties being completed in August of the same year. Eden Field is a new and exciting development comprising of 125 houses which sees a mix of homes designed for first time buyers, affordable housing and a range of family homes. The development has been well received and is proving to be very popular which is a testament to the layout and high quality build.
67. This additional land will enable a small number of additional new homes be constructed to meet the demand which has been demonstrated, furthermore it demonstrates Chapter Homes commitment to the delivery of good quality, well designed homes in this sought after area, meeting the needs of residents.
68. The additional land is a natural extension to the main part of the development meaning a seamless design has been maintained, furthermore the design ensures that some of green and open space has been retained to provide a pleasant environment for residents. A mix of 3 and 4 bedroom properties match the demand for the area, this mix sees a number of 3 bedroom properties being integrated into the design, providing a level of choice to perspective purchasers. The main part of the site has a number of 2 bedroom properties which have a lesser demand, this is mainly down to the competitiveness of the pricing of the 3 bedroom homes and people aspiring to such larger homes.
69. Overall this proposal creates additional homes for those wishing to reside in Newton Aycliffe, with the growth in the manufacturing and other industries coupled with excellent road links, Newton Aycliffe is seen as a place where people aspire to live and through housing developments such as this, a range of housing options are available.

PLANNING CONSIDERATIONS AND ASSESSMENT

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decision should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability, landscape and visual impact, access and highway safety, ecology, provision of affordable housing and housing for older people, layout and residential amenity, archaeology, public rights of way, flooding and drainage land contamination, art in design, and impact upon local infrastructure.

The principle of development

Policy Context

71. 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 development plan comprises the SBLP and now also the recently produced GANP. Together, as 'the development plan', these documents form the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that Local Planning Authorities (LPAs) are only to afford development plan policies material weight insofar as they accord with the NPPF.
72. The SBLP was adopted in 1996, and was intended to cover the period until 2006. However, Paragraph 211 of the NPPF is clear that for the purposes of decision-taking, policies in Local Plans should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired. This can also include policies within the GANP, despite its recent production.
73. This site represents part of a long standing residential development allocation contained within SBLP Policy H2, and has been subject to such an allocation since 1996.

The NPPF

74. 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.
75. 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.

76. 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 within the development plan 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.
77. 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 should 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 is out-of-date as outlined below.

Five Year Housing Land Supply

78. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development, and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant, and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
79. 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 2016. 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)
80. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
81. 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 will be identified as the OAN following consultation in the Preferred Option Stage, the Council has a relatively substantial supply of housing.
82. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements, and additionally the local plan may be out of date for other reasons, as discussed below. The presumption in favour sustainable

development 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

83. 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, recent Court of Appeal judgments emphasises that 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.
84. SBLP Policy H2 allocates a number of sites within Newton Aycliffe, Spennymoor and Shildon for housing development. This site forms part of the larger “Agnew 5” allocation, the southern part of which is currently being developed for residential development.
85. The Policy is out-of-date due to its age and reliance upon housing data that is now of some significant age. Additionally, a number of the allocations have now been developed. However, it is still largely NPPF compliant, in that it seeks to direct housing development into sustainable locations. As a result, it can still be afforded limited weight in the decision making process.
86. The GANP does not propose any housing allocations nor is the site protected or designated for an alternative purpose under any relevant policy which would influence the principle of development of the site. Remaining policies relate to specific matters rather than influencing the principle of the development, although GANP Policy H1 states that permission will be granted for suitable in-fill development and small sites of less than 30 homes where the development is proportionate to the scale of the settlement, is within the built-up area, is well contained, respects the character and form of the locality, and is related to part of an established settlement, and the proposal generally conforms with this policy.
87. In accordance with the NPPF, the development plan should be the starting point in the consideration of the principle of this development. However, having regards to the discussion above, those policies within the SBLP that relate to housing supply can no longer be considered to be up to date, whilst the GANP contains is effectively silent with regards to housing supply. Furthermore, a 5 year housing land supply cannot currently be demonstrated. Consequently, it is considered that in this instance, the proposal should be considered subject to the planning balance test as contained within Paragraph 14 of the NPPF.
88. Clearly, 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 can only be considered following an examination of all of the planning issues.

County Durham Plan

89. The site was proposed as an allocation within Policy 30 of the CDP, which identified a slightly larger site area being capable of accommodating 120 dwellings.
90. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.
91. However, it is considered reasonable to recognise that despite the fact that no weight can be afforded to Policy 30 of the CDP, and the fact that SBLP Policy H2 is now out of date, nevertheless, there is a longstanding and continuing acceptability of the principle of residential development in this location.

Material Considerations

Locational Sustainability of the Site

92. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. The site lies within Newton Aycliffe, which is identified within the County Durham Settlement Study (September 2012) as being a “Main Town” (1st tier) in recognition of the facilities available within the settlement.
93. Main Towns operate as service centres within a locality, and usually contain primary and secondary schools, several GP practices and health centres, community facilities and industrial estates. They also act as a public transport, hubs, and in retail terms, can be considered to be of sub-regional significance.
94. The site itself has good access to these services and facilities, with a number of them being located at Cobbler’s Hall Village, and is within a short driving distance of a major supermarket, and train station. Newton Aycliffe contains significant employment opportunities of both regional and national significance, which are situated with 2 miles of the site. Consequently, the site is considered to have good locational sustainability credentials, and is in accordance with Paragraph 61 of the NPPF.

Landscape and Visual Impact

95. Part 11 of the NPPF seeks to protect and enhance valued landscapes. The site is not within any locally or nationally designated landscape, and sits within a predominantly urban landscape, albeit immediately to the south of a large plantation, and to the west of a large park and area of public open space. Notably, the site is specifically excluded from SBLP Policy L5 which seeks to

protect areas of open space. The site is also excluded from the list of Accessible Local Green Space designations contained within GANP Policy CH2. However, it is subject to the requirements of GANP Policy CH1 which seeks to preserve landscape character, and GANP Policy CH3 which seeks to protect existing open amenity space. These policies are all considered to be consistent with the NPPF.

96. Undoubtedly the site, being greenfield, will result in the loss of an area of existing open space, although the quality of this at present is not significant due to its small size, and limited accessibility; the residential development to the south of the site which is currently under construction will ultimately effectively landlock the site, other than by means of access from a single footpath from Wellhouse Ride, and an informal desire line from the north eastern corner of the site into Woodham Park. Its value both visually and practically, is considered to be somewhat limited.
97. The surrounding area is characterised by residential development interspersed with areas of public open space and woodland, reflective of Newton Aycliffe's origins as a planned "new town", and as acknowledged by the GANP, "Lord Beveridge's Vision". Often, the residential development has a somewhat abrupt relationship with green space, with little buffering in between. Consequently, whilst strictly contrary to the requirements of GANP Policy CH3 in that it would lead to the loss of open space without any mitigation being proposed, the introduction of further residential development would be considered not to erode any existing landscape character to a great degree, and any impacts that would occur, would be localised. Critically, the prominent green corridor that runs roughly from north to south from Woodham Golf Club, through Agnew Plantation, South Agnew Plantation, Woodham Park and on towards Woodham Academy, would not be significantly eroded, and the green and semi-rural feel of the town which GANP Policy CH3 seeks to protect would not be unreasonably harmed.
98. With regard to trees on the site, the submitted tree survey identifies that the site contains a single tree that is already in advanced decline. GANP Policy E4 requires new development retain trees of high value unless the need, or benefits of the development outweigh the loss, whilst GANP Policy E5 states that proposals for new development should safeguard existing trees where appropriate. SBLP Policy E15 expects development proposals to retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, and to replace any lost trees. These policies are considered to be consistent with the NPPF, and can therefore be afforded significant weight.
99. It is noted that the proposed layout would include the new trees, and having regard to this level of provision, the loss of the existing tree on the site, which is of only very limited amenity value is adequately mitigated, in accordance with SBLP Policy E15, GANP Policy E4, and GANP Policy E5, as well as Part 7 of the NPPF.

Access, Traffic and Highway Safety

100. SBLP Policy D3 seeks to ensure that developments make safe and satisfactory provision for pedestrians, cyclists, public transport, cars, and other vehicles. This policy is considered to be consistent with NPPF. Further, the

NPPF states, at Paragraph 32, that development should be refused on transport grounds only where residual cumulative impacts of development are severe

101. GANP Policy H3 sets out parking standards for new residential development, whilst GANP Policy H5 states that if garages are not provided, then adequate in-curtilage parking must be provided. GANP Policy H4 specifies the minimum size for proposed garages.
102. Highways officers have considered the proposed development, and found the development to be in accordance with the County Council's Residential Parking Design Guide, and therefore SBLP Policy D3, with off road parking, visitor parking and garages being included. With regards to GANP parking standards, it is noted that Plot 10 would only provide a single parking space and garage, which would be one space short of the number required by GANP Policy H3. However, it should also be noted that the development provides two visitor parking spaces, which is more than is required by GANP Policy H3, which does not require any visitor parking to be provided. On balance, it is considered that in this instance, the oversupply of off-street parking is considered to mitigate the fact that Plot 10 would only provide in-curtilage parking for two vehicles.
103. Turning to SBLP Policy D3, the proposed layout of the development is considered to include adequate parking provision. Minor changes to the layout were suggested during the application process, and these have mostly been incorporated in an amended layout. Highways Officers have indicated that subject to the layout being further amended to include a 1.8m wide footway to the rear of the visitor parking bays, and around the turning head between Plots 13 and 18, that the development is now considered to be acceptable. It is considered that these minor alterations can be secured by means of an appropriately worded planning condition.
104. GANP Policy H9 states that major and significant development proposals must provide safe, lit and attractive cycle routes or public footpaths through the site, and connecting the site to schools and shops wherever possible. GANP Policy T3 requires developments to provide or contribute towards, safe, well lit, accessible, and attractive footpath and cycle routes. These policies are considered to be consistent with NPPF, and can be afforded significant weight. With regards to this, the development provides internal pedestrian infrastructure that would be constructed to an adoptable standard, and would be allow adequately safe, and well-lit movement around the site. Beyond the site, there is a wide, adopted footway along Woodham Way, which it is considered, would meet the requirements of the policy, without the need for upgrading.
105. Subject to the required changes being incorporated, it is considered that the proposed development would be in accordance with SBLP Policy D3, GANP Policies H3, H4, H5, H9 and T3 as well as Paragraph 32 of NPPF.

Ecology

106. The application site is not subject to any specific designations, with the closest being The Moors Nature Reserve which lies approximately 500m to the North West of the site, beyond existing housing.
107. Paragraphs 109 of the NPPF states that development should contribute to, and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible.
108. A full ecological appraisal of the development site and surroundings has been submitted, which finds the development is unlikely to impact upon The Moors Nature Reserve. The submitted report covers both the application site, and the larger southern area, which forms Phase 1 of the development.
109. With regard to the site itself, the ecological appraisal identifies that the overall larger site is of parish ecological value, although the mown nature of this northern part is likely to be less valuable.
110. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site.
111. With regards to bats, it is noted that this part of the site contains no man-made structures or trees suitable to support roosting bats. Unlike the southern part of the site, the application site comprises mainly mown grass, so has limited potential in terms of breeding birds. The site is not considered to be especially suitable for badger populations, being in close proximity to existing residential development, and no evidence has been recorded of badger using the site. Equally, although potentially suitable habitat, the proximity of the site to residential development renders it unlikely to be used by grass snake or other reptile species. There are no ponds or suitable areas of standing water within the site, or within 500m of it, meaning that great crested newts, water vole and otter are likely to be absent.
112. It is considered that the proposed development would have the potential to have a negative impact upon biodiversity, particularly where proposed dwellings present rear gardens towards South Agnew Plantation. In order to mitigate such impacts, the ecological appraisal identifies a number of mitigation measures, which include the provision of bird nesting boxes and bat roosting opportunities within the development, and the use of sensitive lighting scheme.
113. The County Ecologist has considered these measures, and finds them acceptable, providing the identified mitigation measures are secured by means of a planning condition, and that biodiversity impacts have been minimised in accordance with Paragraph 109 of the NPPF.

Affordable Housing and Housing for Older People

114. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF requires the provision of affordable housing based on evidenced need, whilst SBLP Policy H19 encourages a level of affordable housing on allocated sites. GANP Policy H8 states that proposals of more than 11 dwelling should provide an element of affordable housing, unless it can be shown that it would make the development unviable. GANP Policy H7 seeks to ensure that 10% of new dwellings on sites of 10 or more dwellings meet the needs of older people, subject to viability.
115. SBLP Policy H19 is considered to be only partially compliant with the NPPF. It is consistent with the overall objectives of NPPF, in that Paragraphs 47, 50 and 158 of the NPPF require an element of affordable housing to be provided on housing sites, based upon an up to date evidence base, although the NPPF goes further in actually requiring affordable housing provision, as opposed to merely encouraging it. Policy H19 was also prepared in the context of an earlier evidence base, which has since been replaced by The County Durham Strategic Housing Market Assessment (SHMA). GANP Policies H7 and H8 are considered to be NPPF consistent, and up-to-date.
116. The SHMA update report was completed in July 2013 and supplies the evidence base for 10% affordable housing across the Southern Delivery Area in which the site falls. The requirement reflects an up to date needs assessment and identifies a significant requirement of approximately 181 net affordable units per annum throughout the Southern Delivery Area up to 2016/17.
117. In this particular case, it would usually be expected that the application include an affordable element amounting to 10%, which on the basis of up to 18 dwellings being constructed (the remaining 4 having previously been included in affordable housing calculations on Phase 1) would equate to 2 units.
118. Equally, in accordance with Policy H7, 2 of the proposed dwellings should be suitable for occupation by older people.
119. Paragraph 173 of the NPPF states that the costs of any requirements such as affordable housing should not impact upon the viability of a development to such an extent that it becomes undeliverable. The applicant has provided a full viability breakdown, which indicates that the proposed development would potentially become unviable if an element of affordable housing, or housing for older people were to be incorporated. The viability information has been rigorously assessed by officers, and is considered to be sound. In accordance with Paragraph 173 of NPPF, and also GANP Policies H7 and H8, it is therefore considered that it would be unreasonable to require the provision of affordable housing, or specific older people's housing in this instance.

Layout and Residential Amenity

120. SBLP Policy D1 seeks to ensure that new development follows a number of design principles, including taking account of a site's natural features, paying attention to the design of buildings and their relationship to open spaces, and

inclusion of landscaping. SBLP Policy D2 seeks to ensure that the needs of users of a development are accommodated. SBLP Policy D5 requires new housing developments to provide a safe and attractive environment, have a defined road hierarchy, include public open space and make provision for adequate amenity and privacy. Furthermore, SBLP Policy D6 expects new public spaces to demonstrate a co-ordinated approach.

121. SBLP Policies D1, D2 and D6 can be considered to be consistent with the NPPF and significant weight can be afforded to them. Whilst Policy D5 is largely NPPF compliant, it is more prescriptive than NPPF requires in some instances, so only reduced weight can be afforded to it.
122. This development has been designed as an extension to Phase 1, which is currently under construction. In this context, the proposed layout assimilates well with the previously approved scheme that was designed with Building for Life principles very much in mind, and therefore exhibits a layout of some quality. Adequate separation distances are maintained between properties and garden sizes are considered to be reasonable.
123. The layout will also allow for active frontages, and natural surveillance, increasing security, although the comments of design, arboriculture and ecology officers with regards to having rear gardens addressing the woodland to the north, and therefore potentially causing issues of anti-social behaviour, pressure on the woodland in terms of tree work and ecology, are noted, and whilst not being contrary to any particular planning policy, are matters of harm that should be weighed in any planning balance test carried out in accordance with Paragraph 14 of the NPPF.
124. A variety of housetypes is proposed, and are mixed across the site to provide variety in streetscenes and would include a range of detached and semi-detached properties. These are considered to be acceptable, would reflect those previously approved on Phase 1 of the development and would be in accordance with SBLP Policies D1, D2 and D5.
125. GANP Policy H6 requires all developments to meet the highest possible standard of energy efficiency. In this case, the applicant has confirmed that the proposed dwellings will be built to a better energy efficient standard than that required by current building regulations. It is considered that this is an acceptable starting point, and that a planning condition could be attached to any permission requiring further details of energy efficiency measures. Subject to this, the application is considered to be in accordance with GANP Policy H6, as well as Part 10 of the NPPF in this regard.
126. In terms of open space, SBLP Policy L2 seeks to ensure that 100sq.m, of informal play space, and 500sq.m of amenity space is provided for every 10 dwellings within a development. This policy can be considered to be only partially consistent with NPPF, as NPPF requires such standards to be based upon robust and up-to-date assessments. Whilst the policy's general aims are NPPF consistent, the evidence base upon which it was formulated has now been updated by the Council's Open Space Needs Assessment (OSNA). Consequently, only limited weight can be afforded to the Policy, although it does provide the basis upon which to secure provision in accordance with OSNA requirements.

127. It is considered that this particular development should provide provision for 18 dwellings, with 4 already essentially be accounted for within Phase 1. The OSNA would expect only the provision of Play Space within a development of this size, and that this would amount to 86sq.m. This particular development contains no public open space, however should be read in the context of an overall development including Phase 1, with this forming a smaller element to a larger overall scheme. Phase 1 did include approximately 4,610sq.m of public open space. Furthermore, the site is well located in order to access existing extensive and high quality open space immediately to the east of the site.
128. Ordinarily, it would be expected that in lieu of a development not being able to deliver on-site open space, that a financial contribution would be sought, in order to improve existing local facilities. In this instance the total financial contribution to be sought in order to offset the lack of provision of open space would be £40,205,. However, in this instance the applicant has provided viability evidence which demonstrates that even without planning obligation contributions under S106 of the Town and County Planning Act 1990 (as amended), or the provision of affordable housing being factored into the finances of the development, that the proposed development would deliver a level of return which would fall below that which would usually be expected to consider a development viable. This appraisal has been considered by relevant Spatial Policy Officers, who advise that the figures provided are credible, and the viability case presented is a reasonable one.
129. In accordance with NPPF and NPPG advice with respect to developer contributions, it is therefore considered that additional S106 commitments in the form of open space contributions should not be sought in this instance. The application is therefore considered to be acceptable, although not strictly in accordance with SBLP Policy L2.
130. Environmental Health and Consumer Protection officers have assessed the proposed development, and are satisfied that there would be no adverse issues with respect to contaminated land, or air quality. Nor is the proposed development in a location that is likely to be adversely affected by noise. As a result it is considered that an acceptable level of residential amenity would be available to future occupiers. The development itself achieves acceptable separation distances, and relationships between dwellings.
131. Inevitably, there would be some disturbance to residents at existing properties in the local area, particularly those to the west of the site during construction. However, it is considered that subject to the control of working hours, suppression of dust and noise, and the work being carried out in accordance with an agreed construction management plan, then construction work would not have an unreasonable impact upon residential amenity, in accordance with Paragraph 120 of NPPF.

Archaeology

132. No designated or known non-designated heritage assets are in close proximity to the site and therefore it is considered unlikely that there would be any significant impact upon such assets.

133. Paragraph 135 of the NPPF states that the impact of a development upon the significance of a non-designated heritage asset should be taken into account in determining applications.
134. The site itself appears to have remained undeveloped over the years and consequently, there is the possibility that archaeological evidence remains in situ, as identified by the submitted archaeological desk based assessment. Further to this, a geophysical survey has been carried out on parts of the site agreed with the County Archaeologist and the results previously submitted as part of the consideration of Phase 1 of this development.
135. The geophysical survey identified no significant features which would preclude the development of the site, and a limited amount of investigative work was carried out prior to development commencing on Phase 1. Consequently, the application is considered to accord with Paragraph 135 of the NPPF it would be unlikely that the development would result in harm to heritage assets in the form of archaeological remains.

Flooding and Drainage

136. The application site lies within Flood Zone 1 where residential development is considered appropriate. The main consideration is therefore the prevention of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
137. At present the site has no active drainage. The proposed development would feed into the drainage system previously approved as part of Phase 1 of this development, with the hydrobrake associated with Phase 1 upgraded to take account of the additional flows.
138. This means that surface water collected via drains throughout the site would discharge through the hydrobrake at a controlled rate. If the level of water in the system were to exceed the capacity of the hydrobrake, instead of backing up within the system, it would instead flow into the specifically designed SUDS basin on Phase 1, where it would pool until flows have reduced sufficiently to allow it to discharge into the sewage drainage system. When not in use, as would usually be the case, the basin will simply form part of the green landscaping and public open space of the development. Additionally, details have been provided of source control measures, including permeable private driveways.
139. Northumbrian Water has advised that the local drainage network has the existing capacity to accommodate such a discharge and as a result, water falling on the site would be controlled and directed, as opposed to simply running off, or pooling on site, as is the existing case. Drainage and Coastal Protection Officers have advised that they are satisfied that the proposed drainage strategy is acceptable, and unlikely to increase the risk of flooding either at the site, or elsewhere.
140. Turning to foul drainage, the flood risk assessment identifies that capacity exists on the sewage network Northumbrian Water has commented that the situation would be acceptable.

141. The objectives Part 10 of the NPPF are therefore considered to have been met.

Other Issues

142. The site lies more than 400m from the nearest Public Right of Way, which is situated to the north of the site beyond South Agnew Plantation, and the development would not affect this Public Right Way. It is therefore considered that there is no conflict with regards to SBLP Policy L9, which is considered to be NPPF consistent, and can be afforded significant weight as a result. The development would also be in accordance with Part 8 of NPPF in this respect also.

143. SBLP Policy D9 seeks to encourage the provision of artistic elements within new developments. This Policy is considered to be partially compliant with NPPF, insofar as it relates to well-designed spaces, but without imposing a burden that would threaten the viability of the development.

144. It has not been suggested by the applicant that the provision of public art would compromise the viability of the development, and consequently, it is proposed that if the application is approved, that such provision can be secured via the imposition of a suitable planning condition. The proposal is considered to be in accordance with SBLP Policy D9 in this respect, as well as Part 7 of NPPF.

145. SBLP Policy D8 seeks to ensure that planning applications meet the servicing requirements of the development and contribute towards offsetting the costs imposed by the development upon the local community. This Policy is only partially consistent with NPPF, which introduces a more complex approach to developer contributions, and consequently, only reduced weight can be afforded to it. GANP Policy CIL1 seeks to secure similar facilities and infrastructure in order to mitigate the impacts of development, taking viability into account. GANP Policy H9 states that all proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities for example improved drainage, parks, play areas or footpaths as required to make the development acceptable in planning terms. These GANP policies are considered to be NPPF compliant, and significant weight can be afforded to them. Paragraph 173 of NPPF states that to ensure viability, the costs of any requirements to be applied to development, should provide competitive returns to a willing land owner, and willing developer to enable the development to be delivered.

146. With regards to this, the School Places and Admissions Manager has advised that both primary and secondary schools in the local area have sufficient capacity to accommodate the level of pupils likely to be generated by this development. Furthermore, no objections have been raised in relation to healthcare provision. The issue of financial contributions in lieu of public open space has been considered elsewhere in this report. Other facilities and services, such as drainage and footpaths would be provided on-site.

147. The submitted viability information has demonstrated that to require additional financial contributions by means of a planning obligation under S106 of the Town and County Planning Act 1990 (as amended) would threaten the viability of the development. Consequently, it is considered that no contributions should be required with respect to improving off-site infrastructure and services, and that the proposal would remain in accordance with GANP Policy CIL1 and guidance contained within Paragraph 173 of NPPF and NPPG in this respect.

Planning Balance

148. Having regards to the policy situation, whereby relevant policies for the supply of housing within the SBLP are now considered to be out of date, the acceptability of the application in principle now falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
149. Paragraph 14 of the NPPF states that where policies relevant to the supply of housing are out of date, planning permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or
 - specific policies in the NPPF indicate development should be restricted.
150. There are no specific policies in the NPPF indicating that development should be restricted and consequently, a balancing exercise of material planning considerations is required;

Benefits

151. There are a number of benefits associated with this development which can be identified, and can be related to the three dimensions of sustainable development;
152. The development would represent a boost to the delivery of housing, and contribute to the Council's 5 Year Housing Land Supply, albeit to a relatively small extent, at a time when the Council cannot demonstrate sufficient supply of housing land. The proposal, by forming an addition to a previously approved development that is already underway and beginning to see occupation, is clearly deliverable and likely to be delivered within a relatively short timeframe.
153. The development would have a number of direct and indirect economic benefits within the locality, and further afield in the form of expenditure in the local economy.
154. The site will be accessible to, and help support, a range of local shops and services within Newton Aycliffe, strengthening those communities. Furthermore, the provision of public art will assist in the delivery of a well-designed place.

Adverse Impacts

155. There are also a number adverse impacts that have been identified, these being that the development would involve the loss of open space, would have a limited impact upon the local landscape, and would lead to an increase in traffic on the local highway network, albeit to a level that is not severe.
156. Furthermore, it would lead to increased pressure upon existing public open space and recreation facilities, without such impacts being offset by means of a financial contribution.
157. It would also potentially lead to pressure upon South Agnew Plantation due to the proximity of dwellings to it, and the fact that dwellings present rear gardens to the trees. Such an arrangement commonly leads to pressure to carry out works to trees that would overhang rear gardens. Whilst such an arrangement can also lead to adverse impacts upon biodiversity, these are considered to have been adequately mitigated in this instance.

CONCLUSION

158. The starting point for determining this application remains the development plan. In this instance, this comprises both the SBLP and the GANP, where relevant policies are up-to-date and are NPPF compliant.
159. Paragraph 49 of the NPPF states that where a local planning authority cannot demonstrate a 5-year housing land supply, that housing policies within a development plan should be considered to out-of-date. Housing policies within the SBLP are therefore considered to out-of-date, whilst the GANP is silent with regards to housing supply.
160. Paragraph 14 of the NPPF states that where a development accords with the development plan, that it should be approved without delay. In this instance, the development is contrary to a number of development plan policies. Paragraph 14 also requires that when the development plan is silent, or relevant policies are out-of-date, that a balancing exercise should be carried out. Any adverse impacts of a proposed development are required to significantly and demonstrably outweigh any benefits, in order justify the refusal of planning permission.
161. In this instance, it is accepted that there would undoubtedly be adverse impacts as a result of the development, and primarily, these would centre around its impact upon the landscape and South Agnew Plantation, the loss of open space, increase in traffic on the local highway network, and increased pressure on local public open space and recreational facilities.
162. The application site is neither locally, nor nationally designated in terms of its landscape quality, and whilst the development would alter the character of the landscape, this would be a very local impact.
163. The development would result in the loss of an area of open space, contrary to GANP Policy CH2, albeit a relatively small area that is effectively landlocked and only with limited accessibility. Further, the site lies adjacent to

a significant area of parkland which is far better suited to providing a public amenity function.

164. The development would lead to an increase in traffic on the local network, however this is considered to not be a severe impact, the network would continue to operate within capacity, and highway safety would not be compromised.
165. The impact upon existing local public open space and recreation facilities is noted, however it is accepted that this development in itself would likely only result in an increase to the local population of approximately 43 people, and that such adverse impacts as a result of the increase in pressure are likely to be relatively limited.
166. The key consideration is whether collectively, the identified adverse impacts significantly and demonstrably outweigh the benefits of the development.
167. It is considered in this instance, that the adverse impacts identified would not significantly and demonstrably outweigh the benefits that would arise. This being the case, it is considered that the proposals amount to sustainable development, in the context of Paragraph 14 and the presumption in favour of sustainable development is engaged. It is therefore considered that the application should be supported.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents:

Plans:

PL01 Site Location Plan
PL02 Rev A Site Layout Plan
PL04 Proposed Streetscenes
PL05 Housetypes Plans & Elevations (Cuthbert)
PL06 Housetypes Plans & Elevations (Desmene)
PL07 Housetypes Plans & Elevations (Mason)
PL08 Single Garage Plans & Elevations
PL09 Double Garage (Shared) Plans & Elevations
PL10 Double Garage Plans & Elevations
2015007 005-04 Rev C Private Shared Drive Details

Reason: To secure an acceptable form of development that meets the objectives of Policies E15, H2, H19, L2, L9, D1, D2, D3 D5, D6, D8 and D9 of the Sedgfield Borough Local Plan 1996.

3. No dwelling shall be beneficially occupied until a revised layout plan confirming the provision of a 1.8m wide footway to the rear of the indicated visitor parking bays, and to the rear of the turning head between Plots 13 and 18 has been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling shall be occupied until the footway is available for use.

Reason: To ensure that impacts upon the highway network are adequately mitigated in accordance with Paragraph 32 of the National Planning Policy Framework.

4. Prior to the commencement of development upon any dwelling hereby approved, full details of a Sustainable Urban Drainage system, incorporating source control shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved details.

Reason: To ensure that foul and surface water is managed properly, in the interests of flood prevention, in accordance with Paragraph 100 of the National Planning Policy Framework.

5. No development shall take place until details of all tree works, tree removals and tree retentions have been submitted to and agreed in writing by the Local Planning Authority. No development shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges identified for retention have been protected in accordance with BS 5837:2012 and in accordance with a tree protection plan that has been first submitted to and agreed in writing by the Local Planning Authority. Tree works shall be implemented in accordance with the agreed details and the submitted agreed tree/hedge protection measures shall remain in situ until the completion of the development works.

Reason: To ensure that existing trees and hedgerows on the site are protected in accordance with Policy E15 of the Sedgfield Borough Local Plan 1996 and Policies E4 and E5 of the Great Aycliffe Neighbourhood Plan. This condition is pre-commencement so that all trees are adequately protected from damage.

6. Notwithstanding any details of materials submitted with the application no work to external surfaces shall take place until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to meet the objectives of Policies D3 and H2 of the Sedgfield Borough Local Plan 1996.

7. No development of any phase shall commence until 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:
1. A Dust Action Plan including measures to control the emission of dust and dirt during construction;
 2. Details of methods and means of noise reduction;
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
 4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic;
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
 13. 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.

8. 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 1300 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.

9. The development hereby approved shall only be carried out in accordance with the mitigation measures proposed of the report "Preliminary Ecological Appraisal – 5 Agnew 5, Woodham, Newton Aycliffe" by E3 Ecology.

Such mitigation measures will include:

- The provision of bird nest boxes, and bat roosting opportunities into the development, in locations to be agreed in writing by the Local Planning Authority prior to installation;
- The use of a sensitive lighting scheme, details of which shall be approved in writing by the Local Planning Authority prior to installation.

All measures shall be in place prior to the occupation of the first dwelling.

Reason: In the interests of protected species and biodiversity in accordance with Part 11 of the National Planning Policy Framework.

10. No development shall take place until a scheme to minimise energy consumption has been submitted and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance having regard to Part 10 of the National Planning Policy Framework and Great Aycliffe Neighbourhood Plan Policy H6. Required to be pre-commencement as the energy reduction scheme should seek to involve a fabric first approach designed and potentially implemented at an early stage

11. No dwelling hereby approved shall be occupied until details of all means of enclosure throughout the site have been submitted to, agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: In the interests of residential amenity having regard to Policy D1 of Sedgefield Borough Local Plan 1996.

12. No development directly pursuant to the erection of the dwellings hereby approved shall take place until a detailed landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

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

Trees, hedges and shrubs shall not be removed within five years. 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 will be subject to the same conditions.

The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development.

Reason: In the interests of the visual amenity of the area having regards to Policies D1, E15 and D5 of the Sedgefield Borough Local Plan and having regard to Parts 7 and 11 of the National Planning Policy Framework.

13. Prior to commencement of the development an Employment and Skills Plan shall be submitted to, and agreed in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out only in accordance to the agreed Employment and Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the National Planning Policy Framework. This condition is pre-commencement as it concerns construction workforce employment and takes early advantage of any employment opportunities.

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

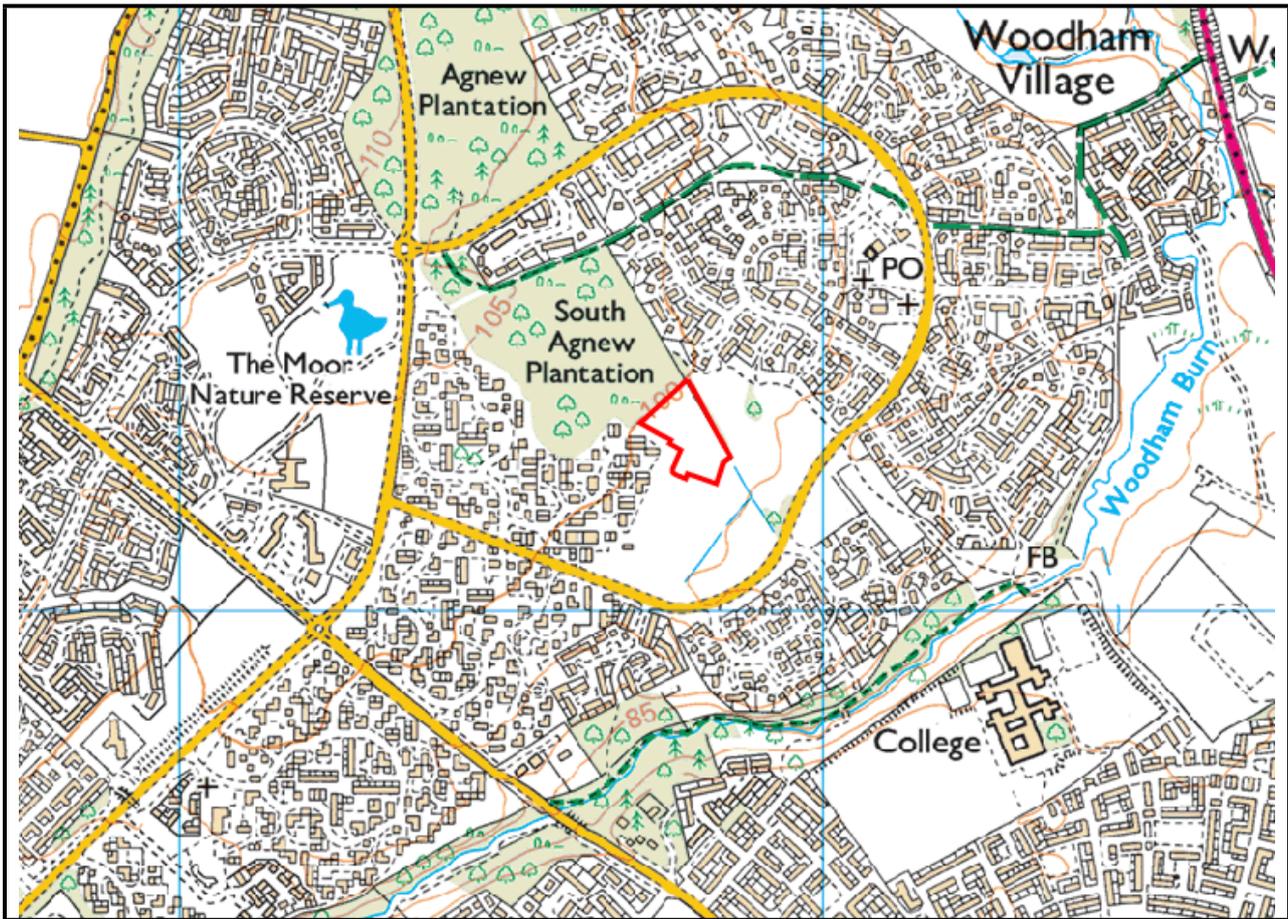
Sedgefield Borough Local Plan 2007

Great Aycliffe Neighbourhood Plan

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



Planning Services

DM/17/00248/FPA

Erection of 18 dwellings at Land East of Agnew Community Centre and North of Woodham Way

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Comments

Date July 2017

Scale NTS