

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/04035/FPA
FULL APPLICATION DESCRIPTION:	Replan of part of Phase 1 of permission DM/17/01213/VOC comprising 47 dwellings, incorporating 12 additional dwellings (Total of 106 dwellings on Phase 1)
NAME OF APPLICANT:	Avant Homes
ADDRESS:	Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on the southern edge of Chilton, and is currently being developed for housing by Avant Homes under approvals DM/16/03397/FPA and amended under application DM/17/01213/VOC. These applications granted a total of 184 dwellings (94 with detailed permission and 90 in outline form). Approximately 25 units have currently been constructed and 5 occupied.
2. The wider site extends to 7.8 hectares and is roughly rectangular in shape. The site is bounded by the existing settlement boundary of Chilton to the north, land in agricultural use to the south and east, and Durham Road to the west, from which the vehicular access into the site is taken. The site slopes from north to south, with hedgerows and existing landscape features enclosing the site from all four boundaries. Residential properties on Meadowdale abut the northern site boundary beyond existing hedgerow.
3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Mill Wood Local Wildlife Site lies approximately 250m to the west, beyond the A167. No recorded public rights of way are contained within the application site, the closest being Footpath Chilton 23 approximately 75m to the north. The application site contains no watercourses, with site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is Windlestone Conservation Area, which is located over 1.6km to the west. The site has been subject to an Agricultural Land Classification survey, and is considered to be Grade 3b.

The Proposal

4. This application seeks planning permission to replan the first phase of the development approved under application DM/17/01213/VOC. This involves the introduction of new house types known as the 'Bridge Range' and a replanning of the layout to provide 12 additional units to the 94 already approved, resulting in a total of 106 dwellings within phase 1.
5. The scheme was amended during the course of the application and proposes that the approved road layout in phase 1 would be retained, which is largely implemented, whilst the re-plan would be largely confined to three development cells in the south western corner of the site. The proposed scheme would replace 23 detached and 10 semi-detached dwellings with 20 semi-detached and 27 link/terraced properties.
6. The sole vehicular access for the development would remain off the A167 on the western site boundary. Once the approved access has been implemented a priority T junction with a protected right turn into the site and a pedestrian/cycle crossing island would be created. The existing 40mph would be relocated further south on the A167 along with a traffic island gateway feature and count down road markings. A new northern bound bus stop layby would be created to the north of the site entrance. A pedestrian/cycle access would be retained as approved on the western boundary.
7. The re-plan would not materially affect the approved areas of open space central to the site, and the SUDs drainage system would be located adjacent the southern boundary. 10% of the dwellings proposed for the site as a whole would be offered on an affordable basis with 8 provided in phase 1 and the remainder in phase 2.
8. This planning application is being reported to County Planning Committee because it forms part of a major residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

9. A Hybrid application secured planning permission for the erection of 92 dwellings and outline element for up to further 90 dwellings.(ref DM/16/03397/FPA)
10. Planning permission was granted to allow an amendment to this permission to allow the substitution of house types, the introduction of an additional 2 units and discharge of planning condition pursuant to the original permission. (ref DM/17/01213/VOC)
11. Both planning permissions have been implemented on site.

PLANNING POLICY

NATIONAL POLICY

12. 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'.

13. 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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
21. *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>

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

23. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
24. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space or design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
25. *Policy H19 – Provision of a range of house types and sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
26. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to benchmark provision.
27. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
28. *Policy 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.
29. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and

boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

30. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
31. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
32. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
33. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
34. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highways Authority* – No objection is raised following amendments to the parking provision of the plots which would now comply with DCC guidelines. It is advised that the increase in the number of dwellings by 12 would not materially affect traffic flow or the level of mitigation secured under previous applications in relation to Rushyford Roundabout (£104,400.) It is however advised that this permission should be tied to

the obligations of the previous application including the requirement to implement the access arrangements on to the A167.

37. *Coal Authority* – No response received in relation to this application. It has been previously advised that the site does not fall within development high risk area and therefore standing advice would apply
38. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition.
39. *Drainage and Costal Protection* – Advise that a detailed scheme has been approved to deal with the attenuation of surface water from the site through SUDS. It is advised that minor amendments would need to be made to this to reflect the increased number of units.
40. *Highways England* – Offer no objection, advising that the increase in numbers would not material affect the operation of the A689/A1M junction over and above the approved scheme.
41. *Natural England* – Offer no comment on the application, advising that the scheme should be assessed in accordance with standing advice and in accordance with the Councils own ecology service.

INTERNAL CONSULTEE RESPONSES:

42. *Landscape* – Raise concerns regarding the potential impact of the re-plan on 4 mature trees to the south of site, which are considered landscape features. Concerns are raised regarding the removal of hedging to facilitate the approved layout.
43. *Landscape (Arboriculture)* – Highlight that the submitted layout would place dwellings within the root protection areas of trees on the southern boundary.
44. *School Places and Admissions Manager* – Advise that an additional 12 units could produce 4 pupils of primary school age. Taking into account the pupils generated in the original application there would not be sufficient space to accommodate the additional pupils over. A contribution of £58,064 is sought over and above the amounts secured to mitigate the impacts of the development. There are sufficient secondary school places available to accommodate pupils from this development.
45. *Housing Delivery* – Advise that the proposed 10% affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
46. *Ecology* – Raise no objection. Officers advise that the submitted ecology assessments submitted in support of the original application are sound and there are no protected species on site. In line with the original permission given the minimal mitigation proposed on site an offsite contribution of £33,165 is sought to deliver targeted biodiversity enhancements in the area.
47. *Design and Conservation* – Raise concerns regarding the increase in the number of units and the increase in density which created a car dominated street scene at ods with the original approval for the site.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that the mitigation secured under the original application is carried over to this site. A condition requiring a verification report to be submitted is recommended.

49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the approved acoustic mitigation strategy should be implemented within the amended layout. Conditions in relation to the compliance with a construction management plan should be carried over. It is highlighted that a chicken farm is located in proximity to the site, which at times may produce odour.
50. *Archaeology* – Advise that a geophysical survey and trial trenching evaluation were carried out and the reports submitted in support of the previous application. They characterised the archaeological remains on site and the significance and impact were found to be low no objections to these proposals on archaeological grounds are therefore raised.
51. *Access and Rights of Way* – No objections are raised. It is noted that there are no registered rights of way within to the proposed development site. However, officers consider that opportunities for improving the surrounding public rights of way network should be considered due to increased usage.
52. *Sustainable Transport* – Advise that the approved travel plan should be implemented in relation to additional dwellings along with the approved access arrangements including public transport infrastructure. A 3m shared use path link is encouraged from the development site onto Durham Road. It is also requested that a footpath link should be provided to the south bound bus stop down Durham road.
53. *Employability Section* – Request that targeted recruitment and training clauses are included within the agreed S106 planning obligation are carried over onto this scheme.

NON-STATUTORY RESPONSES:

54. *Police Architectural Liaison Officer* – Raises concerns regarding the use of parking courts and long enclosed footpaths.

PUBLIC RESPONSES:

55. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents, no letters of objection have been received.

APPLICANTS STATEMENT:

56. The subject planning application falls within the boundary of an approved Reserved Matters application for residential development in Chilton, County Durham. The proposals seek to replace 32no. of the approved plots with 52no. smaller 2, 3 and 4 bed units from Avant Homes' new Bridge Range.
57. Avant Homes' 'Bridge Range' has the same design principles as their mainstream product but is aimed at a wider customer base at the entry level of the housing market. Market research undertaken by Avant Homes has shown there is a strong demand for this type of product in the local area, with a lower average selling price, for the following reasons:
 - The provision of more 2 and 3 bedroom homes will offer a product size that is considered to be most appealing to first time buyers and young families;
 - The provision of more 2 and bedroom entry level homes gives a greater opportunity for new and existing residents to purchase the property type whilst

ensuring a high level of design and residential amenity is established and retained;

- Unlike with second hand homes available on the general market, first time buyers of brand new homes will be able to qualify for the Government's Help to Buy scheme which enables them to buy a home with a very low deposit and with reduced mortgage payments. For many first-time buyers and young families wishing to stay in Chilton where they have grown up, this is the only way to get onto the housing ladder.
- With the proposed new product starting from only £125,000 first-time buyers will be able to purchase a new home and get on to the housing ladder through the Help to Buy scheme for as little as £100,000

58. The application has sought to maintain the design principles set out in the approved application and will consist of a semi-rural vernacular using a variety of brick types but predominantly buff brick and grey roof tiles with minimal use of render of added texture – reflective of the site's 'edge of settlement character area'. This will ensure delivery of a high quality, sustainable and attractive development.

59. Further to the above, we also wish to highlight that the 'Bridge' product specifically aligns to paragraph 72 of the draft revisions to the National Planning Policy Framework. This explicitly requires Local Planning Authorities to make sufficient provision for entry-level homes on sites such as this one. Whilst still subject to consultation, this is a clear indication of the focus on a greater level of provision of entry level homes at a national level – reflective of the significance of the shortage of high quality entry level homes across the country.

- In addition to the above, the following benefits will also be delivered through approval of this application:
- An additional £50,000 in local education contributions will be provided to the Council through the proposed development (in addition to education contributions already agreed through the existing consent) – therefore increasing the financial contribution from £440,160 to £498,224. This is not an insignificant contribution, and will be secured through a new S106 agreement;
- An additional contribution towards off-site open space of approximately £10,000 (in addition to the contributions secured through the existing consent) will be made to the Council – increasing from £114,180 to £122,507 and this will also be secured through a new S106 agreement;
- Fully policy compliant with the provision of 10% affordable housing being provided on site, with negotiations at an advanced stage with a recognised Registered Provider;
- Landscape buffers on the west and southern boundaries of the site will be maintained to protect the settlement edge;
- Promotion of a landscape-led approach which integrates a high quality green/blue framework;
- Maintenance of the existing approved road design and connections; and
- Ensuring ecological enhancements are maintained as previously approved.

60. Cognisant of the above, it is clear that the proposed amendments to part of Phase 1 of the site offer a significant number of benefits for new and existing residents. The proposals will deliver a wider choice of unit types with a greater proportion of smaller and entry-level products to meet the identified market demand for this type of housing in this location. Delivery of the proposed development will ensure prospective first-

time buyers and young families have access to a more readily available supply of high-quality and affordable entry level housing in Chilton.

61. We trust this provides clarity on the reasoning and justification for the proposed amendments to this part of Phase 1 of the application site. Avant Homes has worked proactively with the Council's Planning Department as this planning application has progressed to ensure the proposals will work for the developer as well as for the new and existing residents of Chilton alike. Accordingly, in the context of national and local planning policy and the positive recommendation from the Council's Planning Officer, we respectfully request that the Council grants planning permission for the proposed development without delay.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

63. The principle of developing the site for housing has been established under planning applications DM/16/03397/FPA and DM/17/01213/VOC, which permitted the erection of 184 dwellings in total, of which 94 were approved in full, with the remainder in outline form. The detailed elements of these permissions have been implemented on site, with approximately 25 units being constructed (of which 5 are occupied) along with a large part of the highway infrastructure. This application simply seeks to re-plan part of phase 1 of the site, to introduce 12 additional dwellings overall. This planning permission would sit in alongside approvals for the implemented permissions. It is therefore considered in this instance it is not necessary, and also beyond the scope of this application, to revisit the principle of residential development on the site.
64. Notwithstanding this, in line with the previous applications, policies for the supply of housing within the SBLP are also not relevant to this proposal, by virtue that Policy H8 only relates to developments within settlement limits and Policy E9 (protection of the countryside) is not a saved policy. Therefore, the development plan is considered absent/silent in assessing the principle of the development of the site and in line with the previous planning applications, the acceptability of the development largely rests on the NPPF Paragraph 14 tests. This requires a balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

65. In the original planning application it was concluded that Chilton has a reasonable array of services and facilities, largely adequate to serve the approved development, and that these are within relatively easy reach of the site. It was also concluded that the development would be of a scale commensurate with the role of Chilton in the settlement hierarchy. It was also 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 SBLP Policies D1, D2 and D8 which are considered consistent the NPPF in this respect and can be given full weight in the decision making process.
66. In relation to this amended scheme it is considered that the erection of an additional 12 units does not alter the conclusions reached within the original and subsequent approvals. Therefore, subject to the implementation of the approved footpath links, and access arrangements the locational sustainability of the site remains acceptable in accordance with relevant NPPF and SBLP policies. Further to this, this scheme, as secured under the highways S.278 of the Highways Act, proposes a 3m wide multi-user link to the south bound bus stop and cycle way running down Durham Road.

Landscape and Visual Appraisal

67. In consideration of the original scheme it was identified that the scheme would result an incursion of built development into attractive open countryside south of Chilton and would entail an increased degree of coalescence between Chilton and Rushyford. It was also identified that this 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. Overall, it was concluded that there would be some residual landscape harm in conflict with Policy E1 of the SBLP, which is considered consistent with Part 11 of the NPPF that would need to be weighed in the planning balance.
68. Although the revised scheme does to a degree create a denser element to the more sensitive southern boundary of the site, it is considered that this would not result in a significant landscape impact over and above that approved. The scheme as amended, largely retains the separation distances from the site boundary and mitigation planting to filter vies of the development would be replicated. The revised scheme would be marginally closer to the 4 mature trees on the southern boundary than approved. However, the dwellings (as amended) would not be located in the identified root protection areas in order to address the initial concerns of the Council's Landscape section. Inherently there would, in the future, be some conflict between the mature trees and the adjacent dwellings through shading and leaf drop, however, in the round this is considered to not be significantly greater than in relation to the already approved layout. The scheme does not propose any amendments to the level of vegetation to be removed to facilitate the access and site lines into the site.
69. Overall, subject to delivering the mitigation planting proposed in the scheme would broadly have the same level of landscape impact as the approved. This established impact and conflict with Policy E1 of the SBLP needs to be weighed in the planning balance.

Layout and Design

70. 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.

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 consistency significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.

71. In this respect it was concluded in the original application that the design and layout of the proposed development was considered acceptable in accordance with relevant SBLP Policies as well as Parts 7 and 11 of the NPPF. In relation to the revised scheme, as above the, a denser element would be created to the more sensitive southern boundary of the site which, to a degree, is regrettable. However, following amendments made during the course of the application, which result in the loss of 8 units from the scheme, it is considered that the proposed layout is acceptable and would not result in a car dominated frontage and would utilise corner turner units where appropriate. The house types proposed and materials to be used would be commensurate with those already approved on the site.
72. As required by SBLP Policy D9 artistic elements were detailed in the proximity of the site entrance and the amenity space to the east, and it is recommended that these details form part of the approved plans, to ensure their implementation.
73. Overall, it is considered that the re-plan scheme would still deliver an acceptable form of development, in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 7 and 11 of the NPPF

Highway Safety and Access

74. 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.
75. This revised scheme would be served by the same highways infrastructure as approved, which has now largely been implemented on site. The Highway Authority has reviewed the amended layout and following amendments, advises that the parking provision is acceptable and would accord with the Council's parking standards. A condition to ensure delivery of the approved access onto the A167 is recommended to be replicated.
76. The original planning permission required a financial contribution towards junction improvements at the Rushyford roundabout, secured by means of a Section 106 legal agreement. It is considered that an additional 12 dwellings would not in itself lead to such an increase in generated traffic that it would require the sum previously secured to be re-visited, particularly, as this scheme of works has been developed and a share of the costs already attributed to other developments in the area. A new planning

obligation secured under Section 106 of The Town and Country Planning Act 1990 (as amended) would be required pursuant to any new planning permission, and this would ensure that the previously contribution of £104,400) is secured.

77. Overall, the development would be served by an appropriate means of access and would not have an adverse impact on the wider highway network, subject to the mitigation measures previously secured. The design, layout and parking provision is considered acceptable. The scheme is considered to comply with SBLP Policy D3 and Part 4 of the NPPF in this respect.

Residential Amenity

78. SBLP Policies D1 and D3 require that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
79. The amended scheme is not located in proximity of any existing third party dwelling. In reviewing the amended internal site layout, adequate separation distance are achieved which would protect the privacy and amenity of future residents.
80. In terms of noise, the original application is accompanied by a noise survey which identifies that the site does have a relatively loud noise environment, as a result of the local road network. The report also acknowledges that the chicken farm located to the south west of the site might also be a source of noise, but is considered to be one that is unlikely to be noticeable, given the level of background traffic noise. Mitigation measures were however approved which included acoustic ventilation. The Council's Environmental Health and Consumer Protection Team have advised that this approved mitigation should be implemented across the re-planned element of the site. In line with the original applications it is highlighted that odours from the adjacent chicken farm may be noticeable at certain times of the year. However, it was concluded that this would not likely result in a statutory nuisance and the application would still comply with SBLP Policies D1 and D5 in this respect. Environmental Health and Consumer Protection Team also advise that the approved construction methodology should be adhered to on this element of the site.
81. With regard to air quality, the original application was accompanied by an air quality survey which found that the impact of the development upon air quality, once occupied, would not be significant, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. It is considered that the erection of an additional 12 dwellings would not significantly increase the number of trips from the site and would therefore not have an impact on air quality thresholds.
82. The scheme would therefore comply with SBLP Policies D1 and D3 and Part 11 of the NPPF and would not have an adverse impact on the amenity of existing or future residents.

Ecology

83. The closest site of nature conservation interest is Mill Wood Local Wildlife Site which is located 250m to the west of the application site. SBLP Policy E11 and Part 11 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Ecology survey and bat surveys were

submitted with the original application, which found that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) were present on the site. An assessment of the site by the applicant's ecologist has found that the conclusions and recommendations within the ecology reports can be considered as still valid in relation to the proposed revised layout. The Council's Ecology Team are satisfied with the submitted information and there would therefore be no impact to protected species.

84. However, it was identified that the development of a greenfield site would have some adverse impacts upon biodiversity interests more generally. Although public open space would be provided which would operate as a wildlife corridor, a contribution of £33,165 was secured by way of a planning obligation secured under Section 106 of The Town and Country Planning Act 1990 (as amended) to provide offsite biodiversity enhancements within the local area. As the physical extent of the site to be developed would not materially change as part of these revised proposals, no further or increased contribution is sought. A revised S106 agreement to link this development to the agreed triggers would be required to ensure this contribution is secured.
85. In line with the original application, and having regard to the proposed mitigation measures, the development is considered to conform to Part 11 of the NPPF in this respect.

Flooding and Drainage

86. 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.
87. The original application was accompanied by a Flood Risk Assessment (FRA) which identified that the application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. The approved drainage strategy identified that surface water would be disposed of via a connection to Rushyford Beck, which lies 0.2km to the south of the site, discharging at a rate of 26.3l/s, which is reflective of greenfield rates. Surface water attenuation would be provided on site in the form of a SUDS scheme, which will prevent external flooding for 1 in 30 year floods, and prevent buildings flooding up to 1 in 100 flood events.
88. The Council's Drainage and Coastal Protection advised that they are satisfied with these proposals, and further that the SUDS structure will be adopted and maintained by the Council, in accordance with the SUDS Adoption Guide 2016, with costs being met through an estate rent charge.
89. With regard to the disposal of foul waters Northumbrian Water raise no objections. A condition can be added in the event of an approval to ensure this.

Ground conditions

90. In relation to land contamination the site is being developed in accordance with an approved Land contamination Strategy. Subject to submitting a verification report at the end of the development, in accordance with Part 11 of the NPPF, the Council's

Environmental Health and Consumer Protection Team raise no objections to this amended scheme.

Heritage Impacts

91. The application site does not lie within or is in close proximity of any designated heritage assets. The closest being Windlestone Conservation Area, situated some 1.6km away, and with no visual relationship with the site. It was concluded in the original application that there would be no material impact upon designated heritage assets. In terms of non-designated heritage assets, none were been identified within the immediate vicinity of the site, this position has not changed.
92. With regards to archaeology, the site has been geophysically surveyed in its entirety, with a subsequent 5% of it being subject to investigative excavation work, based upon the geophysical results. The excavations revealed no archaeological remains of significance, and the Council's Archaeology Team has advised that the content of the submitted information, and the methodology used is sound. No further mitigation is required in relation to this matter in accordance with Part 12 of the NPPF.

Planning Obligations

93. SBLP Policy H19, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. The applicant agreed to this requirement, in the original application with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended). A deed of variation is proposed to ensure that the minimum 10% affordable units are proposed on the total number of units eventually provided on the site
94. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 which are considered consistent with the NPPF, sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
95. 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. In the previously approved application it was considered that the development could accommodate appropriate levels of Amenity Open Space, Play Space, and Semi Natural Greenspace within the development. Indeed, there would actually be an oversupply of these typologies, with around 1.5ha being provided. An offsite contribution of £114,180 was secured to deliver outdoor sport and allotment typologies, whilst it was deemed that there was a significant over supply of the parks and gardens typologies within the immediate area.
96. In order to mitigate the impact of the increased numbers of dwellings, taking to account over supply of certain typologies both within the site layout and in the locality an additional contribution of £8,327 would be required, taking the total contribution to

£122,507. This would be secured through an amended S106 agreement. This amended 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.

97. In the original application the Council's School Places and Admissions Manager advises that a development of 192 houses could generate an additional 58 primary pupils and 20 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it was identified that there would not be sufficient capacity in local schools to accommodate a proportion of additional primary school age pupils generated. In order to mitigate the impact of the development in this respect a contribution of £498,224 was secured. Taking into account the increase in number of dwellings proposed, whilst recognising that the approved development has taken up any surplus places, an additional contribution of £58,064 would be required, taking the total contribution of the development to £498,224. The applicant has agreed to this, and this would be secured through a revised planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
98. The original application secured a targeted recruitment and training clause within the S106 planning obligation to meet the request of the Council's Employability officer. This is again proposed in this re-planned element of the development, however, in line with the existing approval, this must be considered a voluntary arrangement.
99. No response has been received from the NHS in relation to GP capacity within existing facilities in the area either in the original or this application.

Planning Balance

100. The principle of developing the site for residential purposes has been established under applications DM/16/03397/FPA and DM/17/01213/VOC. However, as set out above the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits.

Benefits

101. The development would assist in maintaining deliverable housing land supply in the short term at a time when housing supply policies within the SBLP are considered out date. However, in light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one.
102. 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.
103. The development would provide a range of house types including up to 20 affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

104. The development would result in the loss of around 5ha of agricultural land, however as the submitted Agricultural Land Classification Report concludes that the site is Grade 3b agricultural land, it is considered to not be "best and most versatile", and the

weight afforded to this adverse impact is therefore reduced. This impact as the same as approved.

105. There would be an adverse landscape impact, with the character of the site being transformed, and there being localised adverse effects upon views across the site, and in the perception of separation of Chilton from Rushyford. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping scheme, although a residual adverse impact would remain. This impact would similar as approved, whilst recognising the density of the development on the southern boundary would increase.

CONCLUSION

106. The principle of developing the site for residential purposes has been established under applications DM/16/03397/FPA and DM/17/01213/VOC. This application seeks planning permission to revise the layout of part of the first phase of development and in so doing, introduce an additional 12 dwellings.
107. Notwithstanding this, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF in the absence of relevant SBLP policies. In the absence of any specific policies that indicate development should be restricted, Paragraph 14 sets out that the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
108. In line with the original approval the adverse impacts have been identified in the form of residual landscape harm and loss of agricultural land. However given the limited visibility in the wider landscape and as the agricultural land is not classed as best and most versatile. For the purposes of Paragraph 14, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing partially when considering the implemented permissions on site.
109. 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. In this respect the contribution towards provision of open space and sporting opportunities, the provision of affordable housing, highways mitigation, off site ecology mitigation and mitigation to increase the capacity of local primary schools are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of the following across the whole development site:-

- 10% Affordable housing.
- £122,507 towards open space and sporting provision within the Electoral Division
- £104,400 towards highway infrastructure capacity improvements at Rushford roundabout.
- £498,224 towards increasing the capacity of primary schools in the area.
- £33,165 to deliver targeted biodiversity enhancements in the area.

and subject to the following conditions:-

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

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

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

CHI/BR/SI/02 Chilton Bridge Location Plan
 CHI/BR/SL/01 Rev D - Proposed Site plan
 CHI/BR/02 - Rev # - Boundary treatment and materials plan
 CHI/BR/10 - Rev # - Acoustic Requirements Plan
 CHI/CP/03 Rev A - Chilton Construction Plan
 Chilton - Bridge Range - Bambridge - Issue 4
 Chilton - Bridge Range - Knightsbridge As - Issue 4
 Chilton - Bridge Range - Newbridge As - Issue 5
 Chilton - Bridge Range - Stourbridge As - Issue 4
 Chilton - Bridge Range - Weybridge As - Issue 4
 Geoenvironmental Appraisal – Report no 2589/1 – Dated November 2016.
 Kerbing, Edging, Footways and Pavements – 11267-RP-001 Rev P05

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

3. The access and highway improvement works as detailed on plans Kerbing, Edging, Footways and Pavements – 11267-RP-001 Rev PO5 shall be carried out in full prior to the occupation of the 10th dwelling hereby approved.

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

4. All tree protection measures indicated within the Arboricultural Impact Assessment ARB/CP/1092 Drawing CH_CP_01 Rev B shall remain in place, and in accordance with specification contained within BS 5837:2012, until the cessation of 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.

5. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved a detailed landscaping scheme based on the principles set out in the Landscaping Strategy, 1532-1-7H 120318 – Landscape Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.

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

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

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

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

6. Prior to the construction of the 1st dwelling hereby approved full details of the proposed site levels and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

7. The development hereby permitted shall only be occupied in accordance with the Framework Travel Plan entitled "January 2017".

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

8. Prior to the construction of the 1st dwelling a detailed scheme for the management and disposal of surface water and foul water from the development in accordance with the principles agreed within the Flood Risk Assessment - 16153 Chilton V2 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

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..

9. The development hereby approved "shall be carried out only in accordance with the Energy and Carbon Reduction Methods set out in the document "Energy Statement - Energy and Carbon Reduction, Durham Road, Chilton Ref no.007050, Issue 1, January 2017".

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

10. The development hereby approved, shall be carried out only in accordance with the mitigation measures contained within the document "Land East of Durham Road, Chilton - Biodiversity Management Plan for Avant Homes Ltd, April 2017".

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policy E11 of the Sedgfield Borough Local Plan.

11. 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.

12. The development hereby approved shall be carried out in full accordance with the Construction Method Statement (Rev E - December 2017) and Construction Layout Plan (CHCP-01 Rev B) as approved in discharge of condition application DM/17/00109.

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.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve 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)

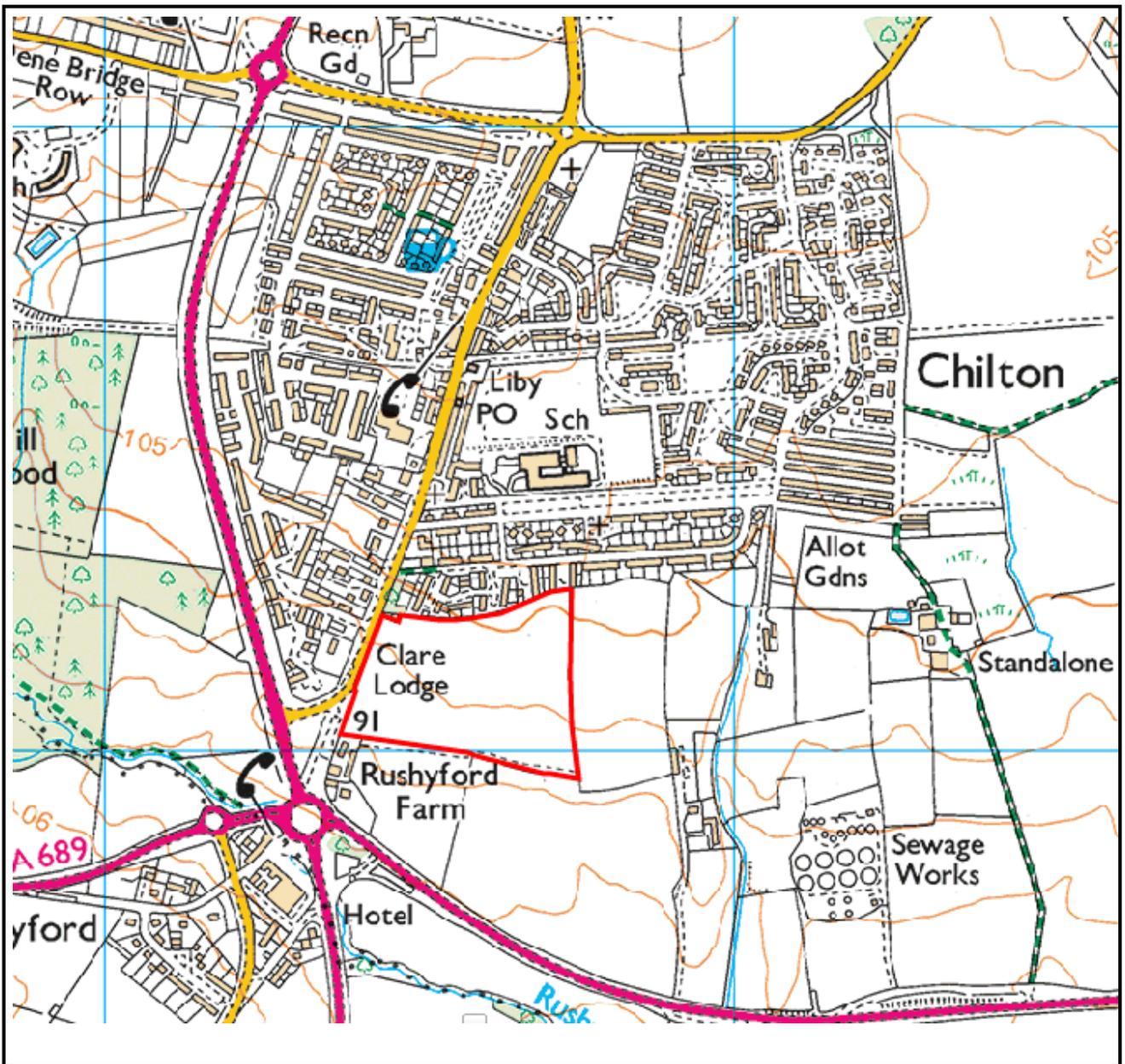
National Planning Practice Guidance Notes

Sedgfield Borough Local Plan

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment
Statutory, internal and public consultation responses



Planning Services

DM/17/04035/FPA
 Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW

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Comments

Date April 2018

Scale Not to scale