

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00431/FPA
FULL APPLICATION DESCRIPTION:	Erection of 45 houses, including access and infrastructure (re-plan and substitution of house types on 230 plots (Phase 5))
NAME OF APPLICANT:	Barratt David Wilson North East
ADDRESS:	Whitworth Park Phase 5, Spennymoor, DL16 7RQ
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular 'L' shaped parcel of land located to the west of Spennymoor to the south of the County. The site extends to approximately 5.36 hectares (ha) in area and currently comprises agricultural fields forming part of a wider housing development site known as Whitworth Park / Burton Woods. There is a level change across the site, with the land falling approximately 8m in a northerly direction. The site is bound by the open countryside to the north and part eastern boundary, existing residential development and the dwellings associated with Slaughter House Farm are located to the southern boundary. The existing dwellings located on Carr Street are located adjacent to the main western site boundary. The site is served by an existing field access onto Carr Street and the existing development of Lotherton Drive (an earlier phase).
2. A public right of way (Footpath No.85, Spennymoor) extends adjacent to the most western boundary of the site. A second public right of way (Footpath No.27, Spennymoor) crosses the midpoint of the site.
3. The site is located approximately 220m to the east of Rosa Shafto Woodland and 350m north of Whitworth Park Grassland Charity Land Site of Special Scientific Interest (SSSI). The site is located 580m west of Cow Plantation Local Nature Reserve and Local Wildlife Site. The Grade II Listed building of Whitworth Hall and the Whitworth Conservation area is located 980m to the west of the site.

The Proposal

4. This planning application seeks permission for the re plan and substitution of house types on 185 plots of part of phase 3 and 3a involving the addition of a further 45 dwellings (a total of 230). A site layout plan has been submitted setting out that the development would be laid round a principal circulation road with private shared drives and cul-de-sacs utilised. The proposed dwellings would be a mix of terrace, semidetached and detached dwellings comprising 2, 3 and 4 properties ranging from 2 to 2.5 storey houses. Access to the site would be taken off the existing development of Lotherton Drive, whilst a new access would also be formed onto Carr Lane in the form of a roundabout.
5. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

6. The wider site has a complex planning history with a number of overlapping planning permissions extending back to 2003 for a total of 506 dwellings. This is made up of 100 units approved / constructed under Phase 1 and 406 units approved / under construction under phases 2/3/3A. A number of standalone and S.73 applications have also sought changes to layouts and house types.
7. An overarching Section 106 agreement was signed in July 2015, which condensed and superseded all previous agreements in a comprehensive manor on the site, this included the provision of highways mitigations work, delivery of ecology mitigation and habitat creation, offsite sporting and recreation contributions and a review mechanism for the delivery of offsite affordable housing.

PLANNING POLICY

NATIONAL POLICY

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

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

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

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; 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

19. *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.
20. *Policy E11 – Safeguarding of sites of Nature Conservation Interest –* Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.
21. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Policy H2 – Major Housing Sites.* Identifies allocation of land for housing, including Whitworth Park with an estimated yield of 700 dwellings.
23. *Policy H4 – Development in Whitworth Park Area.* Sets out the housing development in the Whitworth Park area of Spennymoor will be granted only as part of a comprehensive planning scheme to include an 18 hole golf course, safeguard nature conservation interests, improved public access to the countryside, landscape enhancement, protection of the remaining open land and community facilities.
24. *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.
25. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
26. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings
27. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside.* Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.

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.

RELEVANT EMERGING POLICY:

The County Durham Plan

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

The above represents a summary of those policies considered 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:

35. *Highways Authority* – No objection is raised subject to delivery of the identified mitigation works, including the formation of a new roundabout onto Carr Street and the improvements on Whitworth Road. It is advised that following minor amendments to the site layout current DCC parking standards would be met.
36. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition.
37. *Drainage and Coastal 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 this scheme would not comply with current standards in terms of water quality betterment and flow rates, however the nature of the application is recognised and a strategy has been previously agreed and implemented for the wider site.
38. *Coal Authority* – Raise objection in relation to the lack of a Coal Mining Risk Assessment submitted in support of this application.

INTERNAL CONSULTEE RESPONSES:

- 45 *Landscape* – Advise that the revised scheme would not give rise to any additional landscape impact over and above the original permission. A detailed landscape scheme should however be developed for the site to be agreed.
- 46 *School Places and Admissions Manager* – Advise that the pupils generated from the development have been included within pupil forecasts within the area. No mitigation is sought in respect of the development on this basis.
- 47 *Ecology* – Raise no objection, but recommend that the ecological conditions and obligations from the original permission should be carried over to ensure implementation of the various ecological measures, mitigation and compensation.
- 48 *Environmental Health and Consumer Protection (Contaminated Land)*– Note the presence of presence of previous land contamination assessments to the site but recommend the imposition of conditional approach to adopt a cautionary approach to land contamination.
- 49 *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objection recommending a conditional approach to requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents.
- 50 *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent and crossing the development site and a stopping up/diversion order would need to be made in respect of a number of these paths. It is highlighted that additional pressures could be placed on the PROW and suitable upgrading is encouraged.

PUBLIC RESPONSES:

- 51 The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

- 52 3 letters of objection from local residents including that of town councillor Gardner have been received highlighting that the development fails to promote sustainable development in terms of using renewable resources particularly in terms of energy. Suggestions are made regarding the use of alternate sources of energy including community heating and renewable solutions.
- 53 One letter offering support for the development in principle has been received, however concerns regarding HGV deliveries, conditions of estate road and speeding from delivery drivers have been raised.

APPLICANTS STATEMENT:

- 54 Barratt Homes North East are seeking planning permission for 45 houses and a substitution of house types on phase 5 at Whitworth Park. Barratt's new housetypes are smaller family homes which respond to local market demand. The houses are a mixture of detached, semi-detached and terraced 2-4 bedroom houses. The properties benefit from off-street parking and/or garages. The development has been carefully designed to ensure all houses have an active frontage onto the surrounding highways and landscape public open space, specifically orientated to maximise views over all elements of open space. The proposed houses of a modern design which will contribute positively to seeking to add to the mix and quality of housing on offer within the area.
- 55 The change in house types will complement those recently built on the site. The materials proposed have been carefully chosen to ensure the houses match those in the surrounding areas and are in keeping with the built phases on the site. The proposed design achieves a high quality, distinctive and sustainable scheme which provides for a highly sustainable product.
- 56 The principle of development on the site for residential purposes has been accepted previously. The significant changes from the approved scheme are:
- The omission of all apartment blocks
 - The reduction in the use and size of rear parking courtyards
 - The introduction of new house types with better open-plan living and glazed rear pods
 - The introduction of a number of 3 and 4 bedroom 'integral' garage properties.
57. The proposed development will be delivered in accordance with the plans/strategies which have been approved as part of the extant planning permissions on the site. The application will be tied into the financial obligations in the previous S106 through a Deed of Variation.
58. The proposed will bring many benefits including:
- Adding to the County's identified housing supply in a location that has been identified as sustainable
 - The incorporation of smaller family homes will deliver a wider choice of high quality homes for Spennymoor and Durham, responds to the local market and increases opportunities for home ownership
 - Short term benefits to the local economy brought by the construction phase
59. The design principles of the site has been determined through the previous planning permissions and this current application only seeks to substitute house types within the approved highways infrastructure. The overall planning balance weighs in favour

of the proposals, being in line with development plan policy, so far as it is relevant, with no adverse impacts that would significantly and demonstrably outweigh the benefits.

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

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

The Principle of Development

61. The principle of developing the site for housing, specifically on this part of the site, has been established under planning applications 7/2004/0858/DM (phase 3) and 07/2008/0057/DM (phase 3a) which were granted on appeal and subsequently amended under application 07/2010/0186. These permissions granted a total of 218 dwellings set amongst the context of an additional 288 dwellings approved and implemented under different planning permissions as part of the wider development site for a total number of 506. This application simply seeks to re-plan parts of phase 3 and 3a of the site, to introduce 45 additional dwellings. This planning permission would sit in alongside approvals for the implemented permissions, however due to amendments to original permissions such as removing apartments and larger units the amended scheme would result in a total of 505 units to be ultimately delivered on site.
62. Notwithstanding this, there are relevant Development Plan policies which relate to the principle of development on the application site. These include SBLP Policies H2 and H4 which allocate the site and wider land for housing, with an estimated yield of 700 dwellings. In line with the approved permissions on the site, the development and delivery of housing would comply with these policies. It is, however, recognised that these housing policies rely on out of date housing supply figures and should be considered out of date in this respect. The acceptability of the development therefore 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.

Five Year Housing Land Supply

63. In September 2017, the Government published a consultation document entitled *“Planning for the Right Homes in the Right Places”*, which introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum.

64. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
65. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case here, the starting point for calculating land supply will be local housing need using the standard methodology.
66. Taking all of this into consideration, the Council's view is that the standard methodology should be used for measuring the 5-year housing land supply position. Against the 1,368 figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance whilst recognising that this site is a committed site that is taken into account in the Council's 5 year calculation and continued at an increased yield would assist the council in terms of housing delivery and maintaining a five years supply.

Locational Sustainability of the Site

67. In the original planning applications for this site and wider development site, and during allocation of the site within the SBLP, it was concluded that Spennymoor has a reasonable array of services and facilities, largely adequate to serve the 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 Spennymoor in the settlement hierarchy, a Main Town. Improvements to the road network including the formation of roundabout for vehicular including pedestrian access secured by S106 agreement would deliver the necessary connections into the existing settlement.
68. In relation to this amended scheme it is considered that the erection of an additional 45 units does not alter the conclusions reached within the original and subsequent approvals, recognising that the total number of units proposed would not exceed that previously granted on the site. Therefore, subject to the implementation of the approved highways infrastructure secured by a S106 deed of variation the locational sustainability of the site remains acceptable 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.

Landscape and Visual Appraisal

69. In consideration of the original schemes and in the allocation of the site within the SBLP, it was identified that the scheme would result an incursion of built development into open countryside to the west of Spennymoor. It was also identified that there would be some harmful effects on the character of the local landscape, however these would be localised and could be mitigated in time to varying degrees by proposed structure planting. 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.

70. Although the revised scheme does to a degree create a denser element to this part of the development site it is considered that this would not result in a significant landscape impact over and above that approved. The scheme would be set against the backdrop of the existing developments and would retain landscape features such as mature vegetation along the eastern boundary, although recognising in accordance with the extant permission a new vehicular access would be created in this location resulting in the loss of some trees and hedgerow with SBLP policy E15 (consistent with the NPPF) in the round seeks to protect.
71. Overall, the scheme would broadly have the same level of landscape impact as the approved and would recognise the likelihood of future phases coming forward as permitted by SBLP Policies H2 and H4. This established impact and conflict with Policy E1 of the SBLP needs to be weighed in the planning balance.

Layout and Design

72. 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.
73. 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. In relation to the revised scheme, as above, a denser element would be created to the southern boundary of the site which, to a degree, is regrettable but commensurate with density of the wider development. However, 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.
74. 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

75. 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 Policies T1 and L9 seek 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.

76. This revised scheme would be served by the same highways infrastructure as approved, which has now largely been implemented including internal estate roads, and roundabout improvement works at Clyde Terrace/Clyde Street and at Studley Drive. A S106 agreement requires the formation of a roundabout on Carr Street serving the development site and further access improvements on Whitworth Road. The Highway Authority has reviewed the amended layout and following minor amendments, advises that the parking provision is acceptable and would accord with the Council's parking standards. This would result in an improved layout over and above that approved in this respect as this were based on older more relaxed residential parking standards. A deed of variation to the original S106 agreement would be required to ensure delivery of the further required mitigation works.
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 scheme would be located in the proximity of existing residential dwellings, occupied within the existing development site and adjacent to the site. However the amended scheme takes account of these properties and adequate separation distance would be achieved which would protect the privacy and amenity of existing and future residents to appropriate levels.
80. The Council's Environmental Health and Consumer Protection Team advise that an approved construction methodology should be adhered to on this element of the site. It is considered reasonable to update this to that submitted in support of the original applications, to reflect changing working practices.
81. 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

82. The site is located approximately 220m to the east of Rosa Shafto Woodland and 350m north of Whitworth Park Grassland Charity Land Site of Special Scientific Interest. The site is located 580m west of Cow Plantation Local Nature Reserve and Local Wildlife Site.
83. Ecology 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. However as a precaution mitigation was proposed in relation to amphibians due to nearby populations. The Council's Ecology Team are satisfied with the approved mitigation and habitat creation and advise that there would therefore be no impact to protected species, subject to ensuring its continued delivery. A deed of variation has been submitted to link this application to the existing S106 agreement which secured the ecology mitigation and habitat creation.

84. In line with the original application, and having regard to the approved mitigation measures, the development is considered to conform to policy E11 of the SBLP (consistent with the NPPF) and Part 11 of the NPPF in this respect.

Flooding and Drainage

85. 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.
86. 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 Burton Beck, which lies 0.2km to the south of the site. Surface water attenuation would be provided on site in the form of a SUDS scheme.
87. The Council's Drainage and Coastal 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 this scheme would not comply with current standards in terms of water quality betterment and flow rates, however the nature of the application is recognised and a strategy has been previously agreed for the wider site and it would be in appropriate to revisit this issue through this application.
88. 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 along the layout of the drainage network to be adopted.
89. In relation to land contamination the site is being developed in accordance with an approved Land contamination Strategy which identifies that limited remedial works are required. However in reviewing extracts of this strategy, it is advised by the Councils Environmental Health and Consumer Protection Team to adopt a cautionary conditional approach to review this strategy for this phase of the development.
90. The site lies within an area of high risk in relation to historic coal mining activity. The Coal Authority have raised objections in relation to this application due to the lack of a submission of Coal Mining Risk Assessment. However this matter has been considered in previous applications where the Coal Authority reviewed a Coal Mining Risk Assessment and strategy for development of this part of the site. A conditional approach was adopted to agree a strategy of monitoring and any required remediation. This conditional approach is recommended to be adopted in this application.

Heritage Impacts

91. Whitworth Conservation Area is located 980m to the west of the site. Within the Conservation Area the Grade II listed Whitworth Hall, separately listed associated features and Whitworth Parish Church are located. It is deemed that there would be no adverse impact on the settings of the listed buildings/features due to the separation distances and landscape features. The locally designated parks of interest – Whitworth Park and Spennymoor Jubilee Park in adjacent areas and it is considered that they would remain unaffected. This view is retained and there would be no heritage impact in accordance with part 12 of the NPPF.
92. With regards to archaeology, investigative work has been previously carried out which revealed no archaeological remains of significance. No further mitigation is required in relation to this matter in accordance with Part 12 of the NPPF.

Other Issues

93. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 5.36ha land. A site specific investigation into the land classification does not accompany the application. However, Natural England classification maps for the North-East region identify that majority of the site is 3b with approximately 0.5h 3a (best and most versatile)
94. In a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that the amount of best and most versatile agricultural land (0.5ha) that would be lost is not significant, recognising that the land is no longer in an agricultural use and therefore this has already been lost under the existing permissions, it is nonetheless an adverse impact which should be given weight in the planning balance recognising the extant consent on the site.

Planning Obligations

95. 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. However, in this instance given the proven viability issues around the site no affordable provision was secured in the original permission, a viability review mechanism was however built into the s106 agreement to ensure that in the event that the site becomes profitable an offsite contribution would be secured. A deed of variation has been submitted to link this application to this review mechanism.
96. 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 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.

97. 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 a significant amount of open space would be provided on site, together with an offsite community contribution totalling some £150,000. A deed of variation has been submitted to link this application to the relevant triggers of payments. It should be noted that this application would not increase the number of dwellings in total on site over and above the original 506 dwellings assumed to be delivered in the S106 and therefore no additional contribution is required as mitigation.
98. The Council's School Places and Admissions Manager advises that the pupils generated from the development has been included forecasted pupil roles within the area. No mitigation is sought in respect of the development on this basis.

Planning Balance

99. The principle of developing the site for residential purposes has been established under implemented applications 7/2004/0858/DM, 07/2008/0057/DM and 07/2010/0186. 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

100. 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 Councils housing supply figure when assessed against the Governments OAN methodology this benefit is a limited one.
101. 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.

Adverse Impacts

102. The development would result in the loss of 0.5ha of 3a best and most versatile agricultural land, however this level of loss is not considered significant. This impact is the same as already approved recognising that the land is no longer in an agricultural use
103. 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. This impact would be similar as already approved, whilst recognising the density of the development in this area would increase.

CONCLUSION

104. The principle of developing the site for residential purposes has been established under applications 7/2004/0858/DM, 07/2008/0057/DM and 07/2010/0186. This application seeks planning permission to revise the layout of part of these approvals and in so doing, introduce an additional 45 dwellings within this area of development. The total number of delivered would be similar to that previously approved on the site. The delivery of housing in this location would be in accordance with SBLP Policies H2 and H4.
105. 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 due to the out of date nature of SBLP housing supply 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.
106. 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 the limited loss of agricultural land 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.
107. 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 the proposed deed of variation to link this permission to contributions regarding open space and sporting opportunities, the provision highways mitigation, off site ecology mitigation and a viability review mechanism are considered necessary for the development to be considered acceptable and therefore meet the relevant tests.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a deed of variation to the existing Section 106 Legal Agreement to apply the existing obligations relating to affordable housing, off-site highway works, open space and woodland management/maintenance, and community contribution to this new permission in addition to the existing permissions, 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 :

Phase 5 - Planning Site Layout ref: 13070 P30 Revision D

Phase 5 - Materials and Enclosures Layout ref: 130707 P31 Revision D

Alderney Classic (Det) ref BALD 00CD drwg 01 Dated April 2016
Buchanan (Det) ref BBUH 00CD Dated March 2016
Chester Classic (Det) ref BCSR 00CD drwg 01 Dated April 2016
Derwent Classic (Det) ref BDER 00CD drwg 01 Dated April 2016
Moresby Classic (Det) ref BMMS 00CD drwg 01 Dated April 2016
Norbury Classic (End) ref BNOR 00CE drwg 01 Dated April 2016
Palmerston Classic (End) ref BPMS 00CE drwg 01 Dated April 2016
Palmerston Classic (Mid) ref BPMS 00CI drwg 01 Dated April 2016
Windermere Classic (Det) ref BWIE 00CD drwg 01 Dated April 2016
Folkestone ref 2016/FOL/C/02 Dated Jan 2016
Kenley ref 2016/KNL/C/01 Dated Jan 2016

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies, E15, H2, H4, T1, D1, D2, D3, D4, D5, D8 and D9 of the Sedgfield Borough Local Plan.

3. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved a detailed landscaping scheme 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 and method of projection.
 - 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.
 - Details of surfacing of the PROW adjacent to the proposed roundabout.

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

4. 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 Sedgfield Borough Local Plan and parts 7 and 11 of the National Planning Policy Framework.

5. Prior to the construction of the 1st dwelling a detailed scheme for the disposal of surface water and foul water from the development 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.

6. Prior to the erection of the first dwelling hereby approved to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
 - The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
 - The undertaking of that scheme of further intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated 'no-build zone' for the recorded mine entry which may be required and a time frame Implementation of those remedial works.The scheme thereafter shall be completed in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance 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.

7. 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.

8. No development of any phase shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - Details of methods and means of noise reduction
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan(s) 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.

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

Pre-Commencement

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

Completion

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.

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

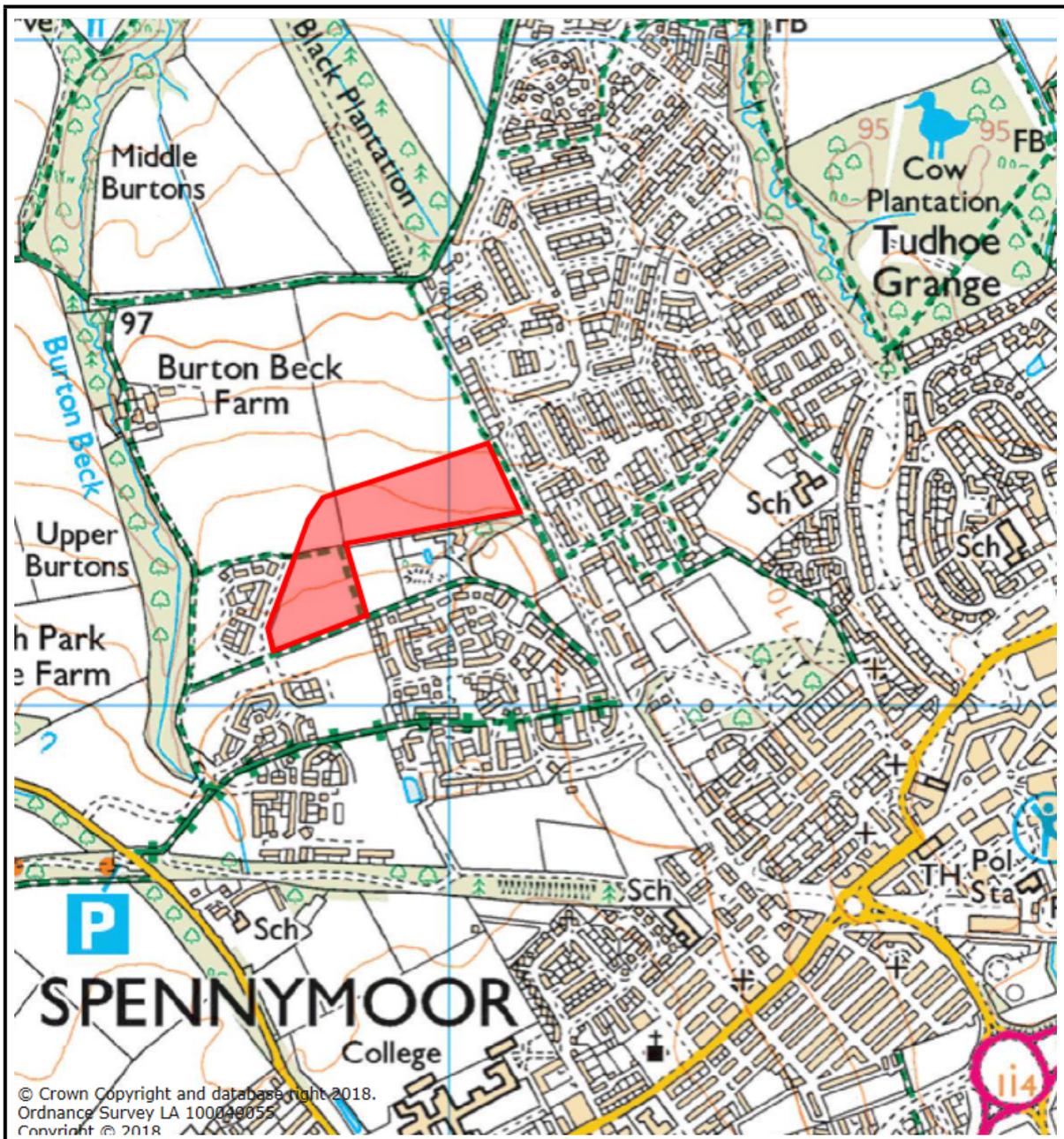
Sedgefield Borough Local Plan

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



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Planning

Services

Erection of 45 houses, including access and infrastructure (re-plan and substitution of house types on 230 plots (Phase 5))

Whitworth Park

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Comments

Date May 2018

Scale Not to scale