

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01812/FPA
FULL APPLICATION DESCRIPTION:	16 additional dwellings linked to DM/16/00985/OUT
NAME OF APPLICANT:	Keepmoat Homes
ADDRESS:	Land to the North of Middridge Road, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures approximately 2.6ha, and forms a part of a larger site measuring 9.20 ha in area, and is located to the western edge of Newton Aycliffe, in the vicinity of Cobbler's Hall. The larger site currently consists of agricultural land and is roughly "L-Shaped", and divided into three distinct areas by shelterbelt trees. Natural England's records show that the site is Grade 3b agricultural land. The site is bordered to the north and west by Cobbler's Hall Plantation, with the A167 lying to the east, and residential development lying beyond a belt of woodland. To the south of the site lies Middridge Road, with Middridge itself lying approximately 1km to the west. This particular application relates to the south-eastern corner of the larger site.
2. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There is a single public right of way within the vicinity of the site (Footpath No. 3 Middridge Village), which runs along the northern boundary of the site and Cobblers Hall Plantation. The plantation itself contains a number of informal unregistered routes. Immediately to the south west of the site, beyond Middridge Road, lies Byerley Local Nature Reserve, whilst 500m to the east, The Moor Local Nature Reserve can be found. The eastern edge of Middridge Conservation Area lies approximately 900m to the west of the site.

The Proposal

3. This application seeks full planning permission for 16 dwellings, and is intended to be considered in the context of the extant outline planning permission

(DM/16/00985/OUT) for the erection of 240 dwellings on the wider site. Essentially, this proposal is intended to enable the developer to construct a total of 256 dwellings on the wider site, and the design and layout of this proposal is intended to be wholly compatible with details submitted for the erection of 240 dwellings as part of Reserved Matters application DM/18/01810/RM, and the two layouts should be read together.

4. The layout itself exhibits a mix of terraced, semi-detached and detached properties arranged around a single access road. Plots 8, 9 and 10 are outward looking and Plot 7 is dual fronted in order to provide natural surveillance of the play space located in the southern area of the site. At the south western extent of the site, beyond an existing woodland belt lies the proposed Sustainable Urban Drainage (SUDs) infrastructure.
5. In terms of offsite works, a roundabout is proposed where Middridge Road meets Greenfield Way, in place of the existing traffic lights.
6. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal relating to a development previously considered by the County Planning Committee.

PLANNING HISTORY

7. Planning permission was refused in April 2008 for a development of up to 400 dwellings on the site (7/2008/0197/DM). The reasons for refusing the application were that it involved the development of a greenfield site, that there was no need to release the site to meet housing supply requirements, that flood risk had not been adequately considered, that insufficient information had been supplied in relation to impact upon biodiversity, the impact of the development upon landscape character, and that the development was poorly related to the public footpath network and existing community facilities.
8. An application (DM/14/03153/OUT) for a total of 241 dwellings was submitted in 2014 on a site immediately to the west, before subsequently being withdrawn prior to determination.
9. Planning permission was granted in February 2018 for 240 dwellings on a larger site, which includes the site subject to this application (DM/16/00985/OUT). A Reserved Matters submission (DM/18/01810/RM) containing details relating to this development is currently being considered by the Local Planning Authority. Essentially it is envisaged that the layout subject to application DM/18/01810/RM and the layout for 16 dwellings will be compatible and the whole site will be built out as a development of 256 dwellings.
10. A further application (DM/17/01436/FPA) is currently under consideration by the Local Planning Authority for the erection of 69 dwellings on land immediately to the west of the larger site.

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and

environmental, which are interdependent and need to be pursued in mutually supportive ways.

12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). 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.
13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating

objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

20. *NPPF Part 12 – Achieving well-designed places* 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.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

25. *Policy E1 – Landscape Protection and Enhancement* – Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.

26. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
27. *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.
28. *Policy H2 – Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon –* Identifies major sites which are allocated for housing.
29. *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.
30. *Policy T1 – Footways and Cycleways in Towns and Villages –* states that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
31. *Policy 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.
32. *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.
33. *Policy D1 – General Principles for the layout and design of new developments –* Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
34. *Policy D2 – Design for people –* Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
35. *Policy D3 - Design for access -* Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
36. *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.
37. *Policy D7 – Structural Landscaping around Major Developments –* Identifies that areas of structural landscaping will be required on the outer edge of identified major housing sites.
38. *Policy D8 – Servicing and Community Requirements of New Development –* states that the Council will normally expect new developments to meet servicing

requirements, and to offset costs imposed by the development upon the local community.

39. *Policy D9 – Art in the Environment* – seeks to encourage the incorporation of artistic elements in development schemes.

EMERGING PLAN:

The County Durham Plan

40. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

Middridge Neighbourhood Plan

41. Middridge has been granted approval for the designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. The plan remains under preparation with the group currently preparing for their first formal pre-submission consultation. As there is no firm policy position within the emerging Neighbourhood Plan against which to assess the application, no weight can be attributed to the plan at this stage.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Highway Authority* – Raise no objections. Originally some concerns were raised with regards to driveways associated with Plots 11 and 13, and queries raised with regards to securing off-site highways works.
43. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.
44. *Drainage and Coastal Protection* – Offer no objections providing the development is carried out in accordance with the submitted surface water management scheme.

INTERNAL CONSULTEE RESPONSES:

45. *Landscape* – Offer no objection, but note that the back gardens abutting the existing tree belts could potentially result in the misuse of areas immediately within the woodland. Advice is also provide with regards to hedgerow and tree planting details.
46. *Landscape (Arboriculture)* – No objections are raised, although it is suggested that the formal protection of some of the trees within the site be considered to prevent

post-development pressure. It is also suggested that a management plan be secured for the existing woodland belts.

47. *Design and Conservation* – No objections are raised, however in comparing the proposed overall layout with the approved master plan there appears to be a number of negative changes such as a reduction in the volume of public open space, loss of parts of the tree belts, less stand-off between properties and landscape features, some car dominated areas, and a reduction in the number of corner turners.
48. *Ecology* – Offer no objections, although an additional contribution to the woodland mitigation scheme for Cobbler's Hall Plantation should be secured.
49. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised.
50. *Environment, Health and Consumer Protection (Pollution Control)* – Offer no objections, and advise that a noise survey is carried out prior to development commencing in order to determine whether any traffic noise mitigation is required. Conditions are suggested in relation to construction management.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Spatial Policy* – No objections are raised. The principle of development on the site is well established. The site is in a medium viability area, so 15% affordable housing should be secured.
53. *Housing* – No objections are raised. Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable rent and affordable home ownership.
54. *School Places Manager* – No objections are raised, as there is sufficient existing capacity for both primary and secondary school pupils.

PUBLIC RESPONSES:

55. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 1 letter of objection has been received, which identifies the disruption caused by construction, the loss of green belt land, and additional noise and traffic as a result of the development as matters of concern.
56. Great Aycliffe Town Council have advised that they have no comment to make.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PADGJOGDLOB00>

APPLICANTS STATEMENT:

57. This statement is submitted in support of a hybrid application seeking consent for removal of reserved matters in relation to 240 homes and a full planning application for an additional 16 homes made on behalf of Keepmoat Homes. Keepmoat Homes have been awarded the site by Homes England following a successful competitive bid evaluated upon cost, quality and capability to deliver. The site is an allocated housing site with the benefit of an outline planning approval (DM/16/00985/OUT) for 240 homes.

58. The site is owned by Homes England and its development requires that the scheme is targeted towards local housing needs. The masterplan should include a mix of medium density quality homes designed to support first-time buyers and family living. Keepmoat Homes' proposed mix targets this purchaser profile. A range of 2, 3, and 4 bedroom family homes are proposed in a range of detached, semi-detached and short terrace formats. 256 new homes will be provided in two development phases.
59. The scheme also includes a 10% affordable housing provision which is split on a 60/40 basis between affordable rent and reduced market sale housing. The affordable provision is pepper potted throughout the development and it has the same specification level as the private sale properties to ensure integration.
60. The submission has been developed as a detailed scheme over the last months using the outline approved Arup masterplan as the framework and structure for the submitted design. This has required a concentrated and co-ordinated effort from Keepmoat Homes' technical and consultant team to satisfy a range of complex site constraints which include;-
- Creating a safe site access from a new roundabout at the junction of Middridge Road and Greenfield Way which also includes significant extensions to pedestrian footpaths and the creation of safe crossing points.
 - Detailed protected species ecology surveys to establish an agreed method for construction work to proceed whilst ensuring protected species such as Great Crested Newts are safeguarded. The development of a masterplan and detailed landscape scheme which includes ecological features and mitigation which will enhance wildlife habitats on the site.
 - The design of a sustainable urban drainage system to control surface water run from the development through on-site attenuation features such as basins and swales. These are integral to the masterplan providing attractive landscaped features which provide green links between development areas as well as soft landscaping opportunities for diversifying the ecological value of the scheme.
 - Community wide benefits by providing connections to existing recreational routes through the site to existing public rights of way on the Cobblers Hall Plantation and the Byerley Nature Reserve. If planning approval is granted this development will provide a sustainable housing offer which provides a diverse range of housing options for local people right across the age and social spectrums. It provides a housing scheme which has a strong identity and unique character which has evolved from the specific context and site features. As part of the commitment to the purchase of the site from Homes England, Keepmoat Homes intend to start building on the site in late 2018 with an intended delivery programme of approximately 45 homes constructed per year.

PLANNING CONSIDERATIONS AND ASSESSMENT

61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within 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, highway safety and access, landscape impact and layout and design, affordable housing,

residential amenity, public open space, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgfield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

The NPPF

Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Five Year Housing Land Supply

63. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
64. 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 in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
65. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come

in to force or until the council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.

66. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

67. The SBLP, under Policy H2, seeks to identify suitable sites for housing development, by means of allocations. The application site is identified within Policy H2 as a housing allocation of 8ha, with an estimated yield of 160 dwellings, and is identified as "Eldon Whins". It is clear that the policy is, in NPPF Paragraph 11 terms, one of the most important policies for determining the application.
68. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policies reduced as a result. Paragraph 213 of the NPPF states that out-of-date policies should not be considered irrelevant in the determination of a planning application, with the amount of weight attributed to each policy in the decision making process being in accordance with their level of consistency with the NPPF.
69. Policy H2 is considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. Accordingly, it is considered that while out-of-date, moderate weight can be afforded to this Policy, and also, Paragraph 11 NPPF is engaged.

Conclusion on the Principle of the Development

70. The proposed development can draw support from SBLP Policy H2, which allocates the site for housing, and whilst the age of the evidence base upon which this policy is reliant renders the policy out of date, its relative consistency with the NPPF means that some weight can still be afforded to it. However, as relevant policies for the supply of housing within the SBLP are out-of-date, in accordance with Paragraph 11 of the NPPF, planning permission should be granted unless policies in that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Locational Sustainability of the Site

71. The County Durham Settlement Study 2018 is an evidence based document which rates Middridge as having a settlement score of 6.5, and Newton Aycliffe as scoring 392.5. Whilst the site is situated in Middridge Parish, it is better related to Newton Aycliffe in terms of access to services, and given the relative lack of services within Middridge Village itself, as evidence by its relatively low settlement score, it would

appear that future occupants of the development would look eastwards towards Newton Aycliffe to meet their living needs.

72. Newton Aycliffe, is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge of Newton Aycliffe is consistent with the role the settlement plays within the County Durham hierarchy and would represent a sustainable, accessible location, and furthermore is reflective of the overall assessment of the site being suitable for residential development through its allocation within the SBLP.
73. From the application site, Byerley Park Primary School is located a distance of approximately 700m away, Horndale Infant School 1.1km away, Walworth School 1.2km away, St Francis CofE Primary School around 1.2km away, St Joseph's RCVA Primary School 1.4km away, and Greenfield Community College is around 1.5km away. Cobblers Hall Village Centre containing a Sainsbury's Local, public house, restaurant/takeaways, Jubilee Medical Group, and a petrol station is around 800m away. All of these distances are within the preferred maximum walking distance suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".
74. Bus stops are located to the south of the site on Middridge Road, providing twice hourly links to Greenfield Community College (approx. 5 mins), Newton Aycliffe Railway Station (approx. 7 mins), as well as Newton Aycliffe town centre (approx. 14 mins) which contains larger facilities, including two supermarkets, large retailers, and a leisure centre. The bus service also provides access to other settlements, including Bishop Auckland (approx. 35 mins), and Darlington (approx. 45 mins).
75. The Council's School Places Manager has advised that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect. Jubilee Medical Group at Cobblers Hall Village Centre is currently accepting new patients, indicating that there is existing capacity.
76. Overall, it is considered that the site has access to a large array of services and facilities, adequate to serve the development proposed and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Newton Aycliffe in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land. Contrary to the comments of the member of the public, the site does not constitute Green Belt land.
77. In conclusion, it is considered that the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with Paragraph 61 of the NPPF and Policies D1, D2 and D8 of the SBLP which are considered consistent the NPPF in this respect.

Impact on the character of the surrounding area

78. SBLP Policies E1 and D1 requires that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. SBLP Policy D7 seeks to secure structural planting on the edge of a number of allocated sites, including the application site. This is reflected in Parts 12 and 15 of the NPPF which

promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is therefore considered that full weight can be afforded to SBLP Policies E1, D5 and D7 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, and whether it represents good design.

79. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies in the *Sedgefield, Windlestone and Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type. The site is made up partly of open farmland surrounded by and crossed by woodland and shelter belts. These follow the layout of medieval or early post medieval enclosures with Cobbler's Hall Plantation, which appears on the second edition Ordnance Survey map, bounding the site to the north west and north east. The site does not lie within a locally or nationally designated landscape.
80. In considering this particular issue, regards should be had to the fact that the site already benefits from an extant outline planning permission for residential development, where it was considered that the construction of 240 dwellings would have a residual adverse impact, but one which could be mitigated, and would diminish over time. This development of 16 dwellings would sit within the overall development of these 240 dwellings, making a total of 256 on the site, although there is a possibility, albeit unlikely, that this proposal for 16 dwellings could be implemented by itself. It is important therefore to consider both the cumulative impacts of the overall development of 256 dwellings, as well as the possibility of the 16 dwellings coming forward alone.
81. The site is visible from Middridge Road to the east and south, though from the south it is better screened by the existing roadside hedge, and is largely screened from the west by the existing tree belt. In terms of considering the cumulative impact, it is recognised that the development envelope, that is to say the overall site size, has not changed, even with the introduction of 16 additional dwellings. When outline planning permission was granted for 240 dwellings, the impacts of a quantum of development on this site was fully considered and weighed in the planning balance. It is considered that the addition of 16 dwellings within this development envelope would not present any significant additional landscape and visual impact issues that were not previously considered. The detailed cumulative layout respects the indicative masterplan submitted with the outline planning permission, and existing landscape features are retained.
82. In terms of the impact of the 16 dwellings were to be constructed in isolation, they would, it is considered, present a somewhat incongruous feature, comprising 16 dwellings in a large field. However, the limited size of the development and its location at the southern end of the site where best advantage could be taken of existing landscape features would mitigate such impacts to an acceptable extent.
83. The site would have little, if any visual relationship with Middridge village itself, and therefore, it follows that the impact of the development upon the character of the village would be minimal, given the scale of development proposed, in itself, and certainly to a lesser extent than if the entire development of 256 dwellings was constructed.
84. It is noted that the site is not located within any designated landscape, and any visual impact would be confined to the site's locality. The indicated landscape mitigation would be effective in reducing the visual impact of the development. The indicated

mitigation planting along the eastern edge of the site would however need to be implemented at the appropriate stage to ensure screening at different stages of this development. It is recommended that this is secured by condition, however subject to this, the proposal would be considered to be in accordance with SBLP Policy D7, which seeks to secure structural planting on a number of allocated sites. The indicative site layout sets out that the majority of existing mature trees, within the shelter belts, could be retained in the development in accordance with SBLP Policy E15. It would nonetheless be appropriate to impose a condition seeking the protection of retained trees during construction. The comments of the Council's Arboriculturalist with regards to the potential for four existing trees to be subject to post-development pressure and their suitability for Tree Protection Orders is noted, however, the imposition of such orders is a process separate to the consideration of this particular planning application, and that these particular trees are not within or adjacent to the application site. The more general concerns of Landscape Officers with regards to the relationship of some of the dwellings with the existing woodland belts are noted, and this minor harm should be weighed in the overall planning balance.

85. Overall, the proposals would entail an incursion of built development into attractive open countryside, and there would be some harmful effects on the character of the local landscape, however, these would be localised, limited and could be mitigated in time to varying degrees by proposed structure planting. It is considered in terms of landscape impact, the development would not wholly comply with SBLP Policy D1, in that there would be residual landscape harm. However, the landscape is not considered to constitute a "valued landscape" for the purposes of Part 15 of the NPPF, and the NPPF does not seek to otherwise restrict development upon sites that may have an adverse impact upon local landscapes, other than through the Paragraph 11 planning balance assessment.
86. Having regards to this assessment, it should therefore be acknowledged there would be a residual adverse impact as a result of the development, albeit one that can be mitigate to the extent that it will diminish over time, and as outlined above, such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Layout and Design

87. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. However, the NPPF is silent on art, and as such, Policy D9 is considered to not be consistent with the NPPF and therefore limited weight should be afforded to the policy. In this case, it is considered that public art provision is not necessary to make the development acceptable.
88. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D5, D9 and E15 in this respect.

89. The proposed layout, in itself is considered to be acceptable, despite clearly, being designed to be compatible with the detailed layout relating to the 240 dwellings. This has resulted in a site access which is a little convoluted, but as noted elsewhere in this report, it is considered that the likelihood of these 16 dwellings being delivered without the rest of the wider development is relatively low, and as a result, on balance the layout is considered to be acceptable in this context.
90. Overall, subject to the securing and detailing of the proposed landscaping of the site the development would have an acceptable impact on the character and appearance the surrounding area, while the indicated layout providing for an acceptable and cohesive development. The development is therefore considered to comply with SBLP Policies D1, D2, D5 and D9, as well as Part 12 of the NPPF subject to the attached conditions in relation the implementation of landscaping.

Affordable Housing

91. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst SBLP Policy H19 encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should be afforded significant weight with regards to this issue.
92. The Council's evidence base for the area suggests that a proportion of affordable housing amounting to 15% would be required on this site, amounting to 2 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 80% affordable rent and 20% affordable home ownership.
93. The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and, therefore, the proposal is considered to be acceptable in this regard.

Residential Amenity

94. SBLP Policies D1 and D5 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant with Paragraph 127 stating that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
95. The submitted site layout for the housing element of the proposal indicates that generally separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings would be achieved as advocated in the Local Plan. There is a single instance where only approximately 20m would be achieved, however, this is still considered to be an acceptable relationship between proposed dwellings, given that windows would be largely offset. Overall, appropriate separation distances are provided between existing and proposed dwellings such that there would be no significant adverse effects in terms of loss of light or dominance, the closest existing dwellings being located to the south of the site, beyond Middridge Road.

96. Environment, Health and Consumer Protection officers advise that there is the potential for road noise to future occupiers of the development. However, it is considered unlikely that this would amount to statutory nuisance, or lead to unacceptable levels of residential amenity, if properly addressed with design mitigation, the need for which can be established through the submission of a noise assessment, which can, in this instance, be secured by means of planning condition.
97. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of the planning system that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties, some form of control is necessary. As a result, a planning condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties is suggested.
98. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured and further required in subsequent applications. The development is therefore considered compliant with SBLP Policies D1 and D5 in this respect and Parts 8 and 15 of the NPPF.

Public Open Space

99. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
100. 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.
101. The OSNA sets out that a total of approximately 0.14ha of public open space be provided on site, although it is acknowledged that this is not always achievable on sites of 19 dwelling or less. Some open space has been accommodated within the development and, ultimately, the residents would have access to open space provided as part of the wider development.
102. However, it is considered necessary to secure financial contributions to improve existing, or provide new facilities within the local area instead, where they are not being provided on site, and these can be secured through a planning obligation secured through Section 106 of the Town and County Planning Act 1990. In this instance it is expected that a contribution of £8,712 towards the improvement of recreation facilities within Aycliffe North and Middridge Electoral Division would enable residents of the new development to have adequate access to such facilities.
103. Overall, therefore, the application is considered to be in accordance with SBLP Policy L2 and Paragraph 96 of the NPPF with regards to the provision of public open space.

Access and highway safety issues

104. 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 Paragraphs 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.

105. The application is not of such a scale so as to require a Transport Assessment (TA), although it should be noted that the previously permitted outline planning permission for 240 dwellings did assess the impact of that development on the network, and secured appropriate funding towards improving capacity at Rushyford Roundabout as a result. It is considered that the improvements to Rushyford Roundabout already secured would result in sufficient capacity to accommodate the additional 16 dwellings, without severe impact on traffic flows. Therefore, it is considered in this instance that there would be no reasonable grounds for securing additional funding through this application. However, this application also includes the installation of a roundabout at the junction of Middridge Road and Greenfield Way, consistent with that approved as part of DM/16/00985/OUT.
106. With regards to pedestrian movement, it has been identified that links to Newton Aycliffe could be improved, with no pedestrian footway from the site being available, and no obvious means of crossing Greenfield Way being available. It was considered that this resulted in poor permeability, which impacted upon the locational sustainability of the proposed development, as well as presenting a highway safety concern.
107. As part of application DM/16/00985/OUT the applicant developed a scheme of off-site highway works, comprising the provision of 2m wide pedestrian footway on the western side of Greenfield Way running from the site southwards to meet the existing pedestrian subway 350m to the south, and northwards towards Burn Lane. It is considered that these measures adequately address the highway safety concerns, and would enable convenient pedestrian access towards Newton Aycliffe. The implementation of this footway can be secured by means of a planning condition.
108. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary mitigation, and therefore in accordance with SBLP Policy D3 and Part 9 of the NPPF.

Ecology

109. The closest site of nature conservation interest is Byerley Park Local Wildlife Site which is located immediately to south of the application site. SBLP Policy E11 and Part 15 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests. An ecology survey was submitted with application DM/16/00985/OUT, highlighting that a small population of Great Crested Newts is present at Byerley Park LWS, that bats are using the site for foraging and commuting, and that although no evidence has been found, that badger may occasionally use the site for foraging. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992 have been recorded within the site.

110. Having regard to this information which establishes the likely impacts the development of the site will have upon ecological interests, this application is accompanied by a Biodiversity Management Plan for the wider site, including the part of the site subject to this application, which proposes mitigation in the form of exclusion fencing and newt removal from the site prior to development commencing, the carrying out of works at times of year where disturbance will be minimised, and providing GCN habitat within the development. Furthermore, it is proposed to enhance the existing pond within Cobbler's Hall Plantation as an amphibian habitat, and provide hibernacula within the woodland belts.
111. Ecology officers have reviewed the submitted information and have raised no objections. The improvements to the existing pond in Cobbler's Hall Plantation, and also improved management of public access to this area in the form of creating a formal footpath, would assist in improving biodiversity in the immediate vicinity of the site, and can be secured by means of a planning obligation. The Plantation is currently in the ownership of Great Aycliffe Town Council (GATC), who would need to be a signatory to the legal agreement, however discussions between the applicant and GATC suggest that agreement can be reached. It is also proposed to provide a financial contribution of £1,800 towards the creation and maintenance of native meadows at Middridge Meadows, which is Durham County Council owned land located to the south west of Middridge village, in order to provide net biodiversity gain which is considered necessary to make the development acceptable. This is in addition to the £15,000 contribution already secured through planning permission DM/16/00985/OUT.
112. Due to the proximity of a GCN population to the application site, a Natural England licence may be required, in order for development to proceed, and the applicant is currently in the process of securing this from Natural England. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
113. Of these tests, it is considered that there would not be a satisfactory alternative to removing any newts that are present on the site when development would be likely to commence. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed mitigation measures would secure this.
114. With regard to the public interest test, this can only be concluded upon once the planning balance test, as set in NPPF Paragraph 11 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
115. Therefore, subject to a condition relating to a lighting strategy, adherence to the Biodiversity Management Plan, and an informative in relation to the timings of vegetation clearance, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2017 and the proposal would comply with NPPF Paragraph 175.

116. Given that biodiversity impacts can be adequately mitigated, both on and off site, along with the planting proposed, the development is considered to conform to SBLP Policy E11, and Part 15 of the NPPF in this respect subject to the conditions outlined above. Natural England offers no comments on the scheme.

Flooding and drainage

117. 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.
118. The application is accompanied by a drainage strategy report proposes the surface water flows are directed to a Sustainable Urban Drainage (SUDs) system at the south western part of the site. This, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged into Northumbrian Water's drainage network, who offers no objections to the application advising that surface water flows can be accepted from the proposed development.. Drainage and Coastal Protection officers offer no objections to this proposal.
119. A condition to resolve the final surface and foul water disposal proposals are recommended and no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Other Issues

120. Environment, Health and Consumer Protection officers (Contaminated Land) have noted that the development would result in "a more sensitive end user" but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case. The site falls within the defined Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety.
121. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. Although this matter must be viewed as voluntary, the Applicant is agreeable to it being addressed through the proposed planning obligation.

Planning Obligations

122. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to biodiversity and

off-site open space provision, are considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

123. This proposal is considered to accord with the development plan in principle, through the proposed development of an allocated site. However, as a result of SBLP policies most important for determining the application being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

124. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
125. This boost to housing supply would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990. Furthermore, as the development is being delivered in association with Homes England, there is some certainty that the proposal will be able to deliver new dwellings within the short term.
126. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
127. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.

Adverse Impacts

128. The development would result in the loss of around 0.8ha of agricultural land, however, the site comprises Grade 3b agricultural land, and is not therefore “best and most versatile”. It should also be noted that the remainder of this area of agricultural benefits from outline planning permission for residential development, so the likelihood that this site would remain in agricultural use in the immediate future is reduced. Accordingly, the weight afforded to this adverse impact is reduced.
129. There would be a limited adverse landscape impact, with the character of the site being transformed. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping scheme, although a residual adverse impact would remain.

CONCLUSION

130. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11 of the NPPF.
131. The residential development would be in accordance with SBLP Policy H2, and in this case, the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of the most relevant policies, that the presumption in favour of sustainable development is engaged. Therefore, residential development is required to be considered in the context Paragraph 11, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
132. The provision of affordable housing in an area where the supply of housing is lacking is a benefit of the scheme along with the provision of 15% affordable properties. This would contribute to the economic and social aspects of sustainability.
133. Whilst there would be some visual impact, particularly in the early years of development, this is considered to be localised and minimised as a result of the mitigation proposed, although some residual harm would remain. Subject to mitigation, the development would have an acceptable impact on the wider highway network and provide a safe means of access, while the site is considered to be located in sustainable location in this respect. The scheme would not significantly impact on the residential amenity of surrounding properties, and the development would not give rise to flood risk elsewhere, and it has also been demonstrated that ecological impacts can be adequately mitigated.
134. Having regards to the above, it is considered that the proposed development will be in accordance with the SBLP, and furthermore, any adverse impacts that would result from this development would not “significantly or demonstrably” outweigh the benefits. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
135. The proposal has generated some public interest, with a single letter of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme’s wider social, economic and community benefits.
136. With respect to the Natural England licence derogation tests, it can be concluded that as the development is considered to be sustainable, and that there are not adverse impacts that significantly and demonstrably outweigh the benefits, that it would be in the overriding public interest for Natural England to grant a licence, and this element of the derogation tests is met. Consequently, it is considered likely that a Natural England licence would be granted.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 15% affordable housing units on site.
- £8,712 towards the provision of improvements of outdoor sport space within Aycliffe North and Midldridge Electoral Division,
- £1,800 towards biodiversity improvement projects within Aycliffe North and Midldridge Electoral Division

And the following conditions:

Time Full

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.

Plans

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

Proposed Site Layout BHA-00-XX-A-1008 Rev 12
Proposed Street Elevations BHA-00-XX-A-3002 Rev 4
Proposed Management Company Transfer Plan BHA-00-XX-A-1017 Rev 14
Proposed External Finishes BHA-00-XX-A-4003 Rev 6
Proposed s38 Highways Adoption Plan BHA-00-XX-A-1027 Rev 4
Proposed Boundary Finishes BHA-00-XX-A-4002 Rev 2
Proposed External Finishes BHA-00-XX-A-1027 Rev 5
Affordable Housing Plans 2014 (651) BHA-00-XX-A-6001 Rev 1
Affordable Housing Plans 2014 (764) BHA-00-XX-A-6002 Rev 1
Housing Plans 2014 (851) BHA-00-XX-A-6003 Rev 1
Housing Plans 2014 (867) BHA-00-XX-A-6004 Rev 1
Housing Plans 2014 (955) BHA-00-XX-A-6005 Rev 1
Housing Plans 2014 (1054) BHA-00-XX-A-6006 Rev 1
Housing Plans 2014 (1178) BHA-00-XX-A-6007 Rev 1
Affordable Housing Plans 2014 (1178) BHA-00-XX-A-6008 Rev 1
Affordable Housing Plans 2014 (740) BHA-00-XX-A-6009 Rev 1
Proposed Roundabout Junction A075568 C007
5413 E2 Newt Receptor Site Map
5413 E3.3 Newt Connectivity Map
5413 E4a Newt Capture and Exclusion Map
5413 E5.1 Newt Habitat Creation/Enhancement
5413 E5.1 Newt Habitat Management and Maintenance
Play Area Details 18653/TYN/DUR
Adventure Trail Details Area 1 18653/TYN/DUR
Landscape Strategy Plan 1074_100 Rev B
Landscape Strategy Detailed Area 1074_101 Rev B
Soft Landscape Drawing Detailed Area 1074_120 Rev B
Arboricultural Assessment Tree Protection Plan AIA-TPP
Arboricultural Assessment Retained Trees Plan AMS-TPP
Eldon Whins Landscape Management and Maintenance Plan March 2018
Eldon Whins Strategy for Long Terms Management and Maintenance of SUDS & POS
Keepmoat Homes, Eldon Whins Biodiversity Management Plan March 2018
Keepmoat Homes, Eldon Whins Construction Management Plan Rev A
Drainage Strategy Report 4841/DS2, ID Civils Design June 2018
Keepmoat Homes, Eldon Whins, Noise Assessment Report, Wardell Armstrong Feb 2018

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

Engineering details of access and highway improvements

3. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan "A075568-2 CD01 Rev C" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented prior to the occupation of the 5th dwelling.

Reason: In the interests of highway safety in accordance with Policy D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Maintenance of highway

4. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies D3 and D5 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Tree Protection

5. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policy E15 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape implementation and management

6. Within the first available planting season following the occupation of the final dwelling hereby approved, the proposed landscaping scheme shall be implemented and be available for use

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years of their initial planting.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 and D9 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Open Space Maintenance

7. The proposed open space and habitat management shall be maintained in perpetuity in accordance with the details contained within the following documents:
- E5.1 Habitat Management and Maintenance, Eldon Whins, 5413
 - Keepmoat Homes, Eldon Whins, Newton Aycliffe, Biodiversity Management Plan, March 2018
 - Strategy for Long Term Management and Maintenance of SUDS of Public Open Space
 - Proposed Management Company Transfer Plan BHA-00-XX-A-1017
 - Eldon Whins Landscape Management and Maintenance Plan

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 and D9 of the Sedgfield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Play Area

8. Prior to the occupation of the 15th dwelling hereby approved, the proposed play space shall be fully implemented, available for use, and maintained in accordance with the details hereby approved.

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policies D1 and D5 of the Sedgfield Borough Local Plan and Paragraph 73 of the National Planning Policy Framework.

Site Levels

9. No development above damp-proof course level of the first dwelling hereby approved shall take place until sections setting out existing and proposed site levels and the finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policies E1, D1 and D5 of the Sedgfield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Travel Plan

10. Prior to the occupation of the first dwelling a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Foul and surface water

11. The development hereby approved shall only be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy Report" dated "June 2018". The drainage scheme shall ensure that foul flows discharge to the

foul sewer between manholes 4902 and 4906, and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with Part 14 of the National Planning Policy Framework.

Ecology Mitigation

12. The development shall only be carried out in accordance with the Biodiversity Management Plan “Keepmoat Homes, Eldon Whins, Newton Aycliffe”, Biodiversity Management Plan March 2018”, and the timetable for delivery contained therein.

Reason: To conserve protected species and their habitat in accordance with Policy E11 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework

Lighting Strategy

13. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development.

Reason: To conserve protected species and their habitat in accordance with Policy E11 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework.

Working Hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 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 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

Noise Mitigation

15. No dwelling hereby approved shall be occupied until acoustic attenuation in order to achieve the following noise levels is installed where identified as being necessary within the report “Keepmoat Homes, Eldon Whins, Newton Aycliffe, Noise Assessment Report, February 2018”:

55dB LAeq 16hr in outdoor living areas

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

30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700) and 45 dB LAmax in bedrooms during the night-time

The approved attenuation shall thereafter be permanently retained in perpetuity.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Construction Methodology

16. The approved Construction Management Plan hereby approved, shall 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 15 of the National Planning Policy Framework.

Land contamination

17. Prior to the occupation of any dwelling, a full scheme for the mitigation of land contamination shall be submitted to the Local Planning Authority, and should include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, and b are not required.

All documents submitted relating to Phase 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

- (a) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.
- (b) 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 and prior to occupancy of the properties.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 15. Required to be pre-commencement in order to ensure that this is no risk of contamination during groundworks.

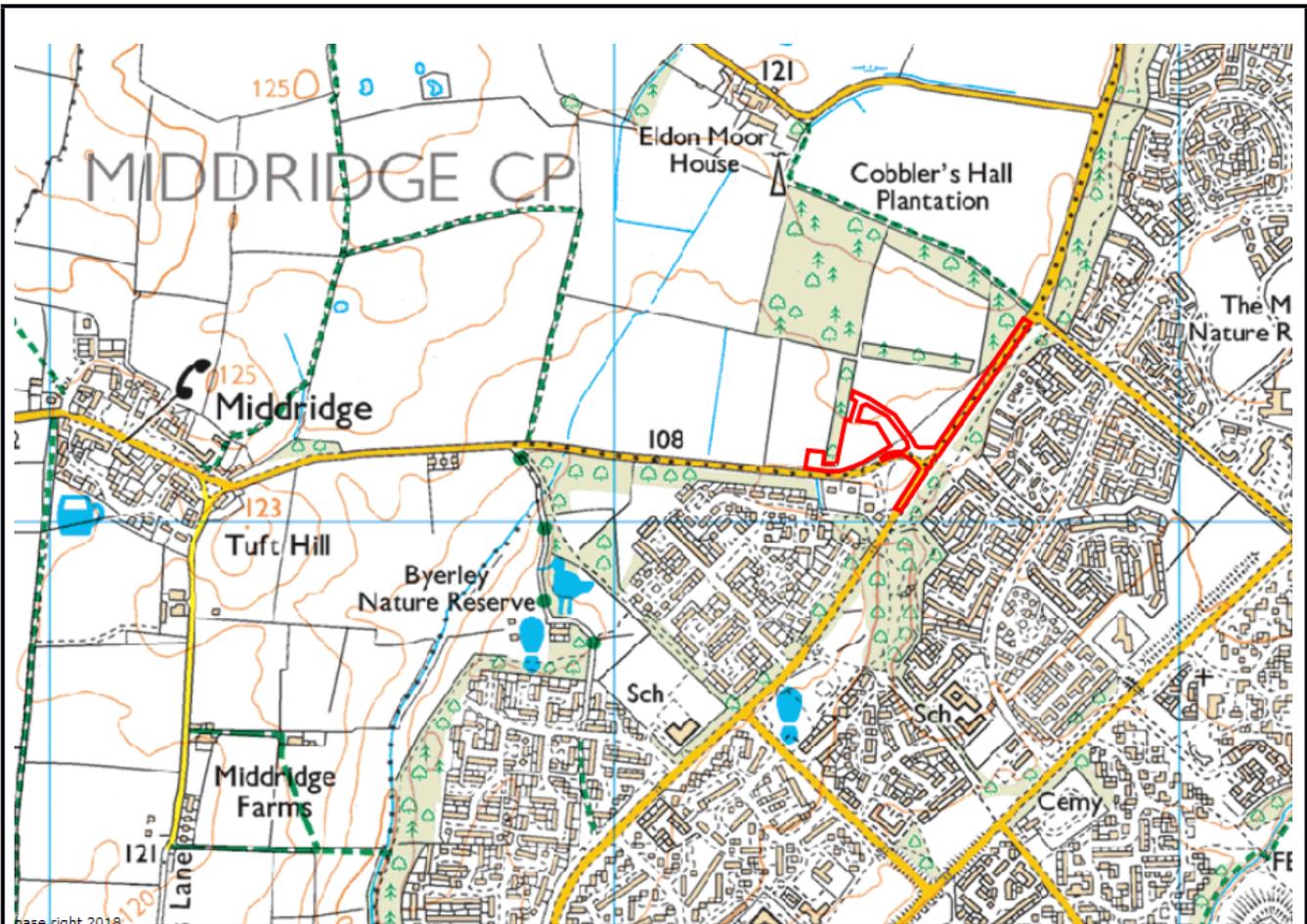
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive

manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Sedgefield Borough Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

(DM/18/01812/FPA)
 16 additional dwellings linked to
 DM/16/00985/OUT, Land to the North of Middridge
 Road, Newton Aycliffe

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Comments

Date October 2018

Scale Not to Scale