

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/02594/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Re-Plan of Phase II of Permission DM/17/01213/VOC comprising 110 Dwellings
<b>NAME OF APPLICANT:</b>	Avant Homes
<b>ADDRESS:</b>	Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW
<b>ELECTORAL DIVISION:</b>	Chilton
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located on the southern edge of Chilton and is sited next to an associated development site being developed for housing by Avant Homes in phase I of the development. The application site measures 3.3ha and is rectangular in shape forming part of a wider site extending to 7.8 hectares. The planning permission for the wider site is granted a total of 196 dwellings (106 with detailed permission and 90 in outline form to be located on this site). Approximately 40 units have currently been constructed and occupied, whilst another 20 units are currently under construction.
2. The site is bounded by the existing settlement boundary of Chilton to the north, land in agricultural use to the south and east. To the west the existing development site including SUDS and open space is located which beyond lies Durham Road which the vehicular access into the site is taken. The site slopes from north to south, with hedgerows and existing landscape features enclosing the site from all four boundaries. Residential properties on Meadowdale abut the northern site boundary beyond existing hedgerow.
3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Mill Wood Local Wildlife Site lies approximately 250m to the west, beyond the A167. No recorded public rights of way are contained within the application site, the closest being Footpath Chilton 23 approximately 75m to the north. The application site contains no watercourses, with site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is Windlestone Conservation Area, which is located over 1.6km to the

west. The site has been subject to an Agricultural Land Classification survey and is considered to be Grade 3b.

## The Proposal

4. This amended application seeks full planning permission to replan the second phase of the development approved in outline form under application DM/17/01213/VOC, including increasing the number of dwellings to 110 from the 90 approved. This equates to a total of 216 dwellings across the development. This would facilitate the introduction of additional smaller house types that have proved more popular on the existing development rather than the larger house types which have taken longer to sell at lower than anticipated values. This is an amended application which originally proposed 120 dwellings on the Phase.
5. The scheme would in essence retain the principles set out in the outline masterplan, with a singular vehicular access taken Phase 1, dwellings overlooking a central area of open space, a set back from the eastern boundary of the site and structural landscaping on the southern boundary. The proposed scheme would provide 27 detached, 50 semi-detached dwellings and 33 link/terraced properties. 15 of the dwellings proposed within phase 2 would be offered on an affordable basis equating to a total of 23 across the development site as a whole.
6. The sole vehicular access for the development would remain off the A167 on the western site boundary. The approved access has been implemented while the formation of a protected right turn into the site, the relocation of the 40mph restriction, new bus stop infrastructure and pedestrian/cycle access is required to be constructed under existing planning approvals. The re-plan would not materially affect the approved areas of open space central to the site, and the SUDs drainage system which would be located adjacent the southern boundary.
7. This planning application is being reported to County Planning Committee because it forms part of a major residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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8. A hybrid application secured planning permission for the erection of 92 dwellings and outline element for up to further 90 dwellings (ref DM/16/03397/FPA).
9. Planning permission was granted to allow an amendment to this permission to allow the substitution of house types and the introduction of an additional 2 units (ref DM/17/01213/VOC).
10. Planning permission was granted to replan part of phase 1 to provide 12 additional dwellings on Phase 1, increasing the total to 106 (ref DM/17/04035/FPA).
11. All three planning permissions have been implemented on site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. 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.

13. 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 this 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.
14. *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.
15. *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.
16. *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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *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.
18. *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.
19. *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.
20. *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.

21. *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.
22. *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.
23. *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.
24. *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>

25. 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

26. *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.

27. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Sedgfield and Fishburn.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.
33. *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.
34. *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.
35. *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.
36. *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.
37. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

38. 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.

*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)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

39. *Highways Authority* – No objection is raised following amendments to the parking provision of the plots which would now comply with DCC guidelines. It is advised that the increase in the number of dwellings by would affect traffic flow on Rushyford Roundabout over and above the level of mitigation secured under previous applications (£104,400.) In order to mitigate this impact an increase contribution of £12,491 to a total of £116,495 is sought.
40. *Drainage and Costal Protection* – Advise that a detailed scheme has been approved to deal with the attenuation of surface water from the site through SUDS on phase 1 and could accommodate the flows from this development. It is proposed to utilise permeable paving and filter strips to meet DCC guidance on water quality, treatment and attenuation. The finer details of this should be secured by condition
41. *Highways England* – Offer no objection.

### **INTERNAL CONSULTEE RESPONSES:**

42. *Landscape* – Advise that amendments during the course of the application ensure that adequate room is provided for screen planting on the southern boundary of this phase, whilst the relationship between the houses and the open space is greatly improved. Concerns are raised regarding the northern boundary, as the existing hedgerow appears to have been located within private gardens, further consideration should be given to how this will be retained and maintained in the future. It is also advised that the northern part of the site would allow little room to soften the road frontages and the appearance would be unattractively hard.
43. *Landscape (Arboriculture)* – Advise that the alterations appear to give a greater buffer on the east of the site and this is likely to be beneficial to the trees and hedges. It is recommended Tree Protection Measures should be put in place and detailed tree planting specification (landscape plan) is submitted in due course.
44. *School Places and Admissions Manager* – Advise that an additional 20 units over and above the outline permission could produce 6 pupils of primary school age. Taking into account the pupils generated in the original application there would not be sufficient space to accommodate the additional pupils. A contribution of £88,218 is sought over and above the amounts secured to mitigate the impacts of the development. There are sufficient secondary school places available to accommodate pupils from this development.

45. *Housing Delivery* – Advise that the updated evidence as part of the County Durham Plan identifies that 15% affordable housing could be delivered on this scheme to meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
46. *Ecology* – Raise no objection. Officers advise that the submitted ecology assessments submitted in support of the original application are sound and there are no protected species on site. In line with the original permission given the minimal mitigation proposed on site an offsite contribution of £33,165 is sought to deliver targeted biodiversity enhancements in the area.
47. *Design and Conservation* – Raise concerns regarding the increase in the number of units and the increase in density which created a car dominated street scene at odds with the original approval for the site.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that the conclusions in the submitted geo-environmental appraisal are sound and there are no requirement for a contaminated land condition for this phase.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that no mitigation is required on this phase in relation to surrounding noise sources. Conditions should be attached to ensure that the development is carried out in accordance with an agreed Construction Management Plan and working hours on phase one.
50. *Environmental Health and Consumer Protection (Air Quality)* – Advise that the combined impact of this Phase with Phase I will generate a change in traffic flows. An assessment of air quality of the impacts of the Phase I development was undertaken and the modelled levels of air quality pollutants were well below the air quality objectives. The magnitude of change was determined as negligible in accordance with the EP (UK) and IAQM Guidance. It is not considered the generation of further traffic from Phase II will alter the conclusions reached for the Phase I assessment. Therefore the overall impact on air quality during the operational phase is determined as not significant and a further detailed dispersion modelling assessment is not required.
51. *Archaeology* – Advise that a geophysical survey and trial trenching evaluation have been carried out and the reports submitted in support of the previous application. These reports characterised the archaeological remains on site and the significance and impact were found to be low no objections to these proposals on archaeological grounds are therefore raised.
52. *Sustainable Transport* – Advise that the submitted travel plan need amending to meet DCC requirements whilst the infrastructure secured under the existing approval should be implemented.
53. *Employability Section* – Request that targeted recruitment and training clauses are included within the agreed S106 planning obligation are carried over onto this scheme.

#### **NON-STATUTORY RESPONSES:**

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

#### **PUBLIC RESPONSES:**

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

#### **APPLICANTS STATEMENT:**

56. This application seeks the re-plan of the outline consent for 90 units to facilitate an additional 20 units, by introducing 'Bridge' house types on the site. The proposed amendments to this phase of the site offer a significant number of benefits for new and existing residents. The 'Bridge' product specifically aligns to paragraph 71 of the NPPF. LPA's are directed to "*support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home)*". This explicitly requires Local Authorities to make sufficient provision for entry-level homes on sites such as this one.
57. Avant Homes' 'Bridge' range has the same design principles as the mainstream product but is aimed at a wider customer base at the entry level of the housing market. Market research undertaken by the Applicant has shown there is a strong demand for this type of product in the local area, with a lower average selling price, for the following reasons:
- The provision of more 2 and 3 bedroom homes will offer a product size that is considered to be most appealing to first time buyers and young families;
  - The provision of more 2 and 3 bedroom entry level homes gives a greater opportunity for new and existing residents to purchase the property type whilst ensuring a high level of design and residential amenity is established and retained;
  - Unlike with second hand homes available on the general market, first time buyers of brand new homes will be able to qualify for the Government's Help to Buy scheme which enables them to buy a home with a very low deposit and with reduced mortgage payments. For many first-time buyers and young families wishing to stay in Chilton where they have grown up, this is the only way to get onto the housing ladder.
58. Avant Homes has worked closely with Officers and have sought to address design comments raised during the application process. The layout proposed maintains the design principles set out in the approved original application and will ensure delivery of a high quality, sustainable and attractive development. The additional dwellings will allow increased contributions for improvements to local education, local open space improvements, increase affordable housing deliver and highway improvements at Rushyford Roundabout.

*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>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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59. 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, landscape and visual appraisal, layout and design, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, heritage impacts and planning obligations.

### The Principle of Development

60. The principle of developing the site for housing has been established under planning applications DM/16/03397/FPA, DM/17/01213/VOC and DM/17/04035/FPA which, in combination, permitted the erection of 196 dwellings in total, of which 106 were approved in full, and the remainder in outline form. The detailed elements of these permissions have been implemented on site, with approximately 40 units being constructed and occupied along with a large part of the highway infrastructure and SUDS area. This application seeks to increase the number of dwellings in phase 2 of the site, the outline area, by 20. This would equate to a total of 110 dwellings in phase 2 and a total of 216 across the whole development site. This planning permission would sit in alongside the implemented permissions.

### The Development Plan

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
62. 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. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

### The NPPF

63. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) 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.

64. In line with the previous applications on this site, it is considered that Policy H8 only relates to developments within settlement limits and does not therefore apply in this case to the site itself. It is relevant in the sense that it directs housing to the specified settlements and within their residential frameworks. Policy E9 (protection of the countryside) has expired. Important policies within the Local Plan which inform on housing are therefore considered to be out of date. Therefore, it is considered that the policies which are most important for determining the application are out of date. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as set out above.

#### Five Year Housing Land Supply

65. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
66. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
67. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was therefore impossible for the Council to have such an annual position statement in place at the time of the appeal.
68. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.
69. 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. However, based on the current build out rates on the site (40 dwellings are occupied since the original permission was granted in March 2017), the increase in dwellings will assist in the delivery of housing over the 5-year supply period and likely increase number of completions in the county. This will need to be factored into the planning balance accordingly.

#### Locational Sustainability of the Site

70. In the original planning application it was concluded that Chilton 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 Chilton in the settlement hierarchy. It was also considered that the walking distances, improved pedestrian links and the established bus service would give future residents alternative

options to the private motor car to access to services and amenities. In accordance with 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.

71. In relation to this amended scheme it is considered that the erection of an additional 20 units would not alter the conclusions reached within the original and subsequent planning permissions. Therefore, the locational sustainability of the site remains acceptable in accordance with relevant NPPF and SBLP policies. The implemented permissions secure the delivery the approved footpath links, and access arrangements and would be unchanged by any new permission granted.

#### Landscape and Visual Appraisal

72. In consideration of the original scheme it was identified that the scheme would result in an incursion of built development into attractive open countryside south of Chilton and would entail an increased degree of coalescence between Chilton and Rushyford. It was also identified that this would be some harmful effects on the character of the local landscape, however, these would be localised and could be mitigated in time to varying degrees by proposed structure planting. Overall, it was concluded that there would be some residual landscape harm in conflict with Policy E1 of the SBLP, which is considered consistent with Part 15 of the NPPF that would need to be weighed in the planning balance.
73. This application seeks to follow the principles established in the outline masterplan, with a set back of the eastern boundary of the site where a mature hedgerow is present, and provide structural landscaping on the eastern boundary. Although the revised scheme would inherently be more dense than the extant outline element of the application, this is confined to the northern part of the site and, as a result, it is considered that this would not result in a significant landscape impact over and above the extant planning permission.
74. The Council's Landscape Officer advises that the amendments secured during the course of the application ensures that adequate room for screen planting on the southern boundary of the phase could be provided. It is also advised that the amendments scheme, including setting the dwellings off the eastern boundary, helps to reduce the impact of the development in line with the outline masterplan. While amendments providing an active frontage to the amenity and SUDS's area are welcomed. Concerns have been raised regarding the layout of elements of the scheme which could provide a car dominated street scheme with little space for landscaping. However subsequent amendments have further reduced the density and broken up areas of car parking ensuring adequate landscaping could be incorporated. A condition to require the full detailing and delivery of the scheme is recommended.
75. The Council's Landscape Officer also raises concerns regarding the potential impact on a hedgerow along the northern boundary of the site due to the potential proximity and height of boundary treatments of the mature hedge. However it is considered that this matter can be controlled conditionally through the agreement of a detailed landscaping plan once the extent of the hedge and its condition has been fully established, which will inform the location and nature of boundary treatments in this area.
76. Overall, subject to delivering the mitigation planting proposed in the scheme and agreeing a final landscaping and boundary treatments plan, it is considered that the revised scheme would broadly have the same level of landscape impact as the approved and would provide for an acceptable urban environment. This established

impact and conflict with Policy E1 of the SBLP needs to be weighed in the planning balance.

## Layout and Design

77. 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. Part 12 of the NPPF seeks to ensure that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Due to their consistency with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.
78. It was concluded in the original application (recognising the outline nature of this phase) that the design and layout of the proposed development, including the proposed masterplan was considered acceptable in accordance with relevant SBLP Policies and the NPPF
79. Part 12 of the NPPF sets out that the quality of approved development is not materially diminished through changes to the scheme since being permitted while also encouraging local Authorities to adopt design review processes to improve design.
80. In this respect the scheme, including amendments, have been considered by the Council's Design Review Panel. As a result of the comments raised by the panel and through negotiations with the developer, significant amendment have been secured to the scheme. This includes the reducing in the number of dwellings from 120 initially proposed to 110 which has enabled better spacing between dwelling to reduce the impact of car parking and introduce soft landscaping to improve the appearance of the development. The resultant layout is considered to respect the principles of the masterplan by including an active frontage onto the central area of open space and SUDS, being set back from the eastern boundary and the provision of structural landscaping to the southern boundary. Throughout the scheme corner turner units are used where appropriate and areas of landscaping and garden space utilised to break up parking, this would be further supplemented through a detailed landscaping scheme to be fully agreed by condition. The house types proposed and materials to be used would be commensurate with those already approved on the site.
81. Overall, it is considered that the re-plan scheme would still deliver an acceptable form of development, in line with the principles set out in the indicative master plan and would not significantly diminish the quality of the approved development in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 12 and 15 of the NPPF

## Highway Safety and Access

82. 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 Part 9 that safe and suitable access can be achieved for all people while setting out that development should mitigate significant impacts on the road network. In addition Part 9 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

83. This revised scheme would be served by the same highways infrastructure as approved, which has now largely been implemented on site. The Highway Authority has reviewed the amended layout and following amendments during the course of the application, advises that the parking provision is acceptable and would accord with the Council's parking and access standards.
84. The original planning permission required a financial contribution towards junction improvements at the Rushyford roundabout, secured by means of a Section 106 legal agreement. The Highway Authority advise that the increase in the number of dwellings (taking into account increases in other permissions) would affect traffic flow on the Rushyford Roundabout to the south of the site. Consequently, it is advised that the level of mitigation secured under previous applications to increase the capacity of Rushyford Roundabout (£104,400) would need to be increased by £12,491 to a total of £116,495. The applicant has agreed to this and a deed of variation has been submitted to secure the increased contribution. Highways England offer no objections to the increase in number of dwellings.
85. 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 9 of the NPPF in this respect.

#### Residential Amenity

86. SBLP Policies D1 and D3 and D5 require that the design and layout of development to take into account the sites natural and built features and its relationship with adjacent land uses, and make provision for amenity and privacy. These Policies are considered NPPF compliant This policy is considered NPPF compliant which seeks to ensure a high standard of amenity for existing and future uses 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.
87. Further to this Supplementary Planning Guidance Note 3 of the SBLP sets out minimum spacing guidelines new developments should achieve, which are also applicable to existing dwelling. These include 21m between main elevations and 14 m between habitable room windows and gable elevations and achieve reasonable privacy in garden areas. However the guidance note sets out that the standards should not be applied rigidly and may be relaxed in certain circumstances.
88. In this respect the development would be located south of the dwellings of Meadowdale, which principally consist of detached dwellings. The proposed site layout would achieve minimum separation distances of 21m (rear to rear) and 14m (rear to side) separation distances. Views would be achievable into parts of existing garden areas, however existing properties are still considered to achieve reasonable levels of privacy . Although the new properties are located to the south of the existing dwellings, and there would to a degree of shading at certain times of the year due to the pathway of the sun, this is however not considered likely to be excessive.

A number of properties within Meadowdale have inserted windows in the ground floor and removed sections of hedgerow to achieve views over the currently undeveloped fields. In line with the proposed masterplan, the scheme proposes to supplement the existing hedgerow and install formal boundary treatments. This, in combination with the presence of dwellings to the south, would reduce the outlook

experienced, however the loss of a view is not a material consideration, whilst views to these windows would be in excess of 21m or at obscure angles.

89. Internally to the site back to back distances of 21m between windows of habitable rooms on main elevations will generally be achievable. However front facing distances across highways would generally be less than this, in instances down to approximately 18m, particularly on the Bridge range element of the scheme. Side to side separation distances would also in a couple of instances measure 11.5m. However this part of the scheme has been specifically designed as a higher density element and the distances involved are considered appropriate to ensure acceptable levels of amenity for the prospective occupiers of these properties.
90. In terms of noise, the original application was accompanied by a noise survey which identifies that the site does have a relatively loud noise environment, as a result of the local road network. Mitigation measures were however approved which included acoustic ventilation principally to the properties only the western boundary adjacent the existing road infrastructure. This application includes an updated assessment to reflect the proposed layout and concludes that no mitigation is required on this phase. The Council's Environmental Health and Consumer Protection Team advise that the findings of this report are sound and no further mitigation will be required in this respect. Environmental Health and Consumer Protection Team also advise that the approved construction methodology should be adhered to on this phase of the site.
91. With regard to air quality, the original application was accompanied by an air quality survey which found that the impact of the development upon air quality, once occupied, would not be significant, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. The Council's Environmental Health and Consumer Protection Team (Air Quality) advise that considered the generation of further traffic from Phase II will not alter the conclusions reached for the Phase I assessment and further modelling assessment is not required.
92. Overall, although reducing the level of amenity currently experienced by existing properties due to the siting of dwellings, the scheme is considered to comply with SBLP Policies D1 and D3 and Part 15 of the NPPF in this respect and would not result in a serious effect impact on the amenity of existing or future residents.

## Ecology

93. The closest site of nature conservation interest is Mill Wood Local Wildlife Site which is located 250m to the west of the application site. SBLP Policy E11 and Part 15 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Ecology survey and bat surveys were submitted with the original application, which found that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) were present on the site. An assessment of the site by the applicant's ecologist has found that the conclusions and recommendations within the ecology reports can be considered as still valid in relation to the proposed revised layout. The Council's Ecology Team are satisfied with the submitted information and there would therefore be no impact to protected species.
94. However, it was identified that the development of a greenfield site would have some adverse impacts upon biodiversity interests more generally. Although public open space would be provided which would operate as a wildlife corridor, a contribution of £33,165 was secured by way of a planning obligation secured under Section 106 of The Town and Country Planning Act 1990 (as amended) to provide offsite biodiversity enhancements within the local area. As the physical extent of the site to be developed

would not materially change as part of these revised proposals, no further or increased contribution is sought. A deed of variation to the existing S106 agreement to link this development to the agreed triggers would be required to ensure this contribution is secured.

95. In line with the original application, and having regard to the proposed mitigation measures, the development is considered to accord with Part 15 of the NPPF in this respect.

#### Flooding and Drainage

96. 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.
97. The original application was accompanied by a Flood Risk Assessment (FRA) which identified that the application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. The approved drainage strategy identified that surface water would be disposed of via a connection to Rushyford Beck, which lies 0.2km to the south of the site, discharging at a rate of 26.3l/s, which is reflective of greenfield rates. Surface water attenuation would be provided on site in the form of a SUDS scheme, which will prevent external flooding for 1 in 30 year floods, and prevent buildings flooding up to 1 in 100 flood events.
98. The Council's Drainage and Coastal Protection advised that they are satisfied that the existing detention basin could accommodate the flows from this development. It is also proposed to utilise permeable paving and filter strips to meet DCC guidance on water quality, treatment and attenuation. The finer details of this are proposed to be agreed by condition. Subject to agreeing these details it is advised that the proposals meet relevant guidance and offer no objections to the proposals.

#### Ground conditions

99. In relation to land contamination, phase 1 is being developed in accordance with an approved Land contamination Strategy. In relation to this phase, an Environmental Appraisal has been submitted, which concludes that this phase would not need further investigation or mitigation. In reviewing this report, Environmental Health and Consumer Protection Team have advised they have no objections to this approach and no further mitigation is required.

#### Heritage Impacts

100. The application site does not lie within or is in close proximity of any designated heritage assets, the closest being Windlestone Conservation Area, situated some 1.6km away, and with no visual relationship with the site. It was concluded in the original application that there would be no material impact upon designated heritage assets. In terms of non-designated heritage assets, none were been identified within the immediate vicinity of the site, this position has not changed.
101. With regards to archaeology, the entire site has been geophysically surveyed, with 5% of it subsequently being subject to investigative excavation work, based upon the geophysical results. The excavations revealed no archaeological remains of

significance, and the Council's Archaeology Team has advised that the content of the submitted information, and the methodology used is sound. No further mitigation is required in relation to this matter in accordance with Part 16 of the NPPF.

## Planning Obligations

102. 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) which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
103. The OSNA sets out the requirements for different typologies of public open space on a population pro rata basis, either within the site, or through a financial contribution towards offsite provision, in lieu. In the previously approved applications it was considered that the development could accommodate appropriate levels of Amenity Open Space, Play Space, and Semi Natural Greenspace within the development. An offsite contribution of £122,507 was secured to deliver offsite provision.
104. Since approval of the original applications the Council has updated the OSNA (2018) which sets out slightly different target amounts for different typologies and costs to provide offsite. However, as the majority of the onsite open space is required to be delivered in phase 1, a pro rata approach to calculating offsite OSNA requirements to mitigate the developments impact has been adopted equating to an additional contribution of £8,750 taking the total contribution to £131,258 for the development. This amended 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.
105. In the original application the Council's School Places and Admissions Manager advises that a development of 196 houses could generate an additional 59 primary pupils and 20 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it was identified that there would not be sufficient capacity in local schools to accommodate a proportion of additional primary school age pupils generated. In order to mitigate the impact of the development in this respect a contribution of £498,224 was secured, to be delivered in the first phase of the development.
106. Taking into account the increase in number of dwellings proposed, whilst recognising that the approved development has taken up any surplus places, an additional contribution of £88,218 would be required, taking the total contribution of the development to £586,442. The applicant has agreed to this, and this would be secured through a deed of variation to the original S106 to ensure delivery
107. SBLP Policy H19, in accordance with Part 5 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. In line with the Councils Strategic Housing Market Assessment (2016) and Local Plan and CIL Development Viability Study (2014) the existing permissions secured 10% affordable housing across the development, with 8 units requiring to be delivered in phase one and 11 in phase 2 due to the phasing requirements of other obligations.

108. Following approval of the previous applications, the Council has updated its Local Plan Viability Testing which now sets out that based on up to date evidence 15% is considered a level which would normally schemes to be developed viably in this part of the county. The developer has agreed to this requirement on the additional number dwellings proposed providing 15 affordable units on this phase (taking into account the shortfall on phase 1). A deed of variation to the original S106 is proposed to ensure delivery. This would take the total number of affordable housing units on site to a total of 23.
109. The original application was subject to a planning obligation in the s106 Legal Agreement to secure a targeted recruitment and training clauses to meet the request of the Council's Employability officer. This is again proposed, however, in line with the existing approval, this must be considered a voluntary arrangement.
110. No response has been received from the NHS in relation to GP capacity within existing facilities in the area either in the original or this application.

#### Planning Balance

111. The principle of developing the site for residential purposes has been established under applications DM/16/03397/FPA and DM/17/01213/VOC. However, as set out above the acceptability of the application should be considered under the planning balance test contained within Paragraph 11d of the NPPF. No specific policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusal and therefore planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the NPPF taken as a whole.

#### *Benefits*

112. The development would assist in maintaining deliverable housing land supply in the short term at a time when housing supply policies within the SBLP are considered out date. However, in light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one, whilst recognising the developer is active on site and the dwellings would likely be completed in the short term.
113. 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.
114. The development would provide an increased range of house types including 15 affordable housing units which would meet an identified short fall within the County.

#### *Adverse Impacts*

115. As with the extant permission the development would result in the loss of around 3.3ha of agricultural land, however as the submitted Agricultural Land Classification Report concludes that the site is Grade 3b agricultural land, it is considered to not be "best and most versatile", and the weight afforded to this adverse impact is therefore reduced. This impact is the same as approved.
116. There would be an adverse landscape impact, with the character of the site being transformed, and there being localised adverse effects upon views across the site, and in the perception of separation of Chilton from Rushyford. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping

scheme, although a residual adverse impact would remain. This impact would be similar to that approved, whilst recognising the density of the development on the north eastern corner of the site boundary would increase.

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## CONCLUSION

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117. The principle of developing the site for residential purposes has been established under applications DM/16/03397/FPA and DM/17/01213/VOC. This application seeks planning permission to increase the number of units on the second phase of the development by 20 units.
118. Notwithstanding this, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11 of the NPPF having regards to the out of date nature of important SBLP policies. In the absence of any specific policies that protect areas or assets of particular importance and provide a clear reason for refusal, Paragraph 11d 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.
119. In line with the original approval the adverse impacts have been identified in the form of residual landscape harm and loss of agricultural land. However given the limited visibility in the wider landscape and as the agricultural land is not classed as best and most versatile. For the purposes of Paragraph 11, 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. It is important to note that this application seeks a variation only to an existing planning permission and thereby these harms were acknowledged already under that grant of planning permission.
120. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards provision of open space and sporting opportunities, the provision of affordable housing, highways mitigation, off site ecology mitigation and mitigation to increase the capacity of local primary schools are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.

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## RECOMMENDATION

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

- 23 Affordable housing units across the development.
- £131,258 towards open space and sporting provision within the Electoral Division

- £116,495 towards highway infrastructure capacity improvements at Rushford roundabout.
- £586,442 towards increasing the capacity of primary schools in the area.
- £33,165 to deliver targeted biodiversity enhancements in the area.

and subject to the following conditions:-

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

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

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

P.10.02 Rev D - Proposed Site Layout  
 House Type Ashton, DRWG no. SUN/ASN/001  
 Cranford, DRWG no. SUN/CRD/001  
 Beckbridge House Type - Dated 24/05/2018 – 2017 Specification  
 Irtonbridge House Type - Dated 24/05/2018 - 2017 Specification  
 Queensbridge House Type - Dated 24/05/2018 - 2017 Specification  
 Seabridge House Type - Dated 24/05/2018 - 2017 Specification  
 Ulbridge Dated House Type - 24/05/2018 - 2017 Specification  
 Lorton House Type - DRWG no. 995 Rev C  
 Denbury House Type - DRWG no. 1211 rev C  
 Lathbury House Type – Floor Plans - DRWG no. LBY/001 Rev B  
 Lathbury House Type – Elevations - DRWG no. LBY/002 Rev B  
 Overbury House Type - DRWG no. – 1463 Rev D  
 Sudbury House Type - Floor Plans DRWG no. 1503 Rev B  
 Sudbry House Type - Elevations – DRWG no. 1503 Rev C

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

3. Prior to the commencement of development all tree protection measures indicated within the Arboricultural Impact Assessment ARB/CP/1092 Drawing CH\_CP\_01 Rev B, and in accordance with specification contained within BS 5837:2012, shall be installed until the cessation of development works.

*Reason: In the interests of the visual amenity of the area having regards to Policy E15 of the Sedgefield Borough Local Plan and Parts 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.*

4. Notwithstanding the submitted information, prior to the occupation of the 1<sup>st</sup> 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.
- 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 and landscaping in perpetuity.
- Details of all boundary treatments and enclosures.

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

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

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

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

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

6. No building shall be occupied until a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long term measure to promote and encourage alternatives to single occupancy car use has been prepared submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the approved details.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling. In accordance with Part 9 of the NPPF and Policy D3 of the Sedgefield Borough Local Plan

7. Prior to the construction of the 1<sup>st</sup> dwelling a detailed scheme for the management and disposal of surface water and foul water from the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall adopt the use of permeable paving on all private parking areas and private shared drives. 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 141 of the National Planning Policy Framework.*

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

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

9. 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 15 of the National Planning Policy Framework.*

10. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- A Dust Action Plan including measures to control the emission of dust and dirt during construction
  - Details of methods and means of noise reduction
  - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
  - Designation, layout and design of construction access and egress points;
  - Details for the provision of directional signage (on and off site);
  - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  - Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
  - Routing agreements for construction traffic.
  - Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  - Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

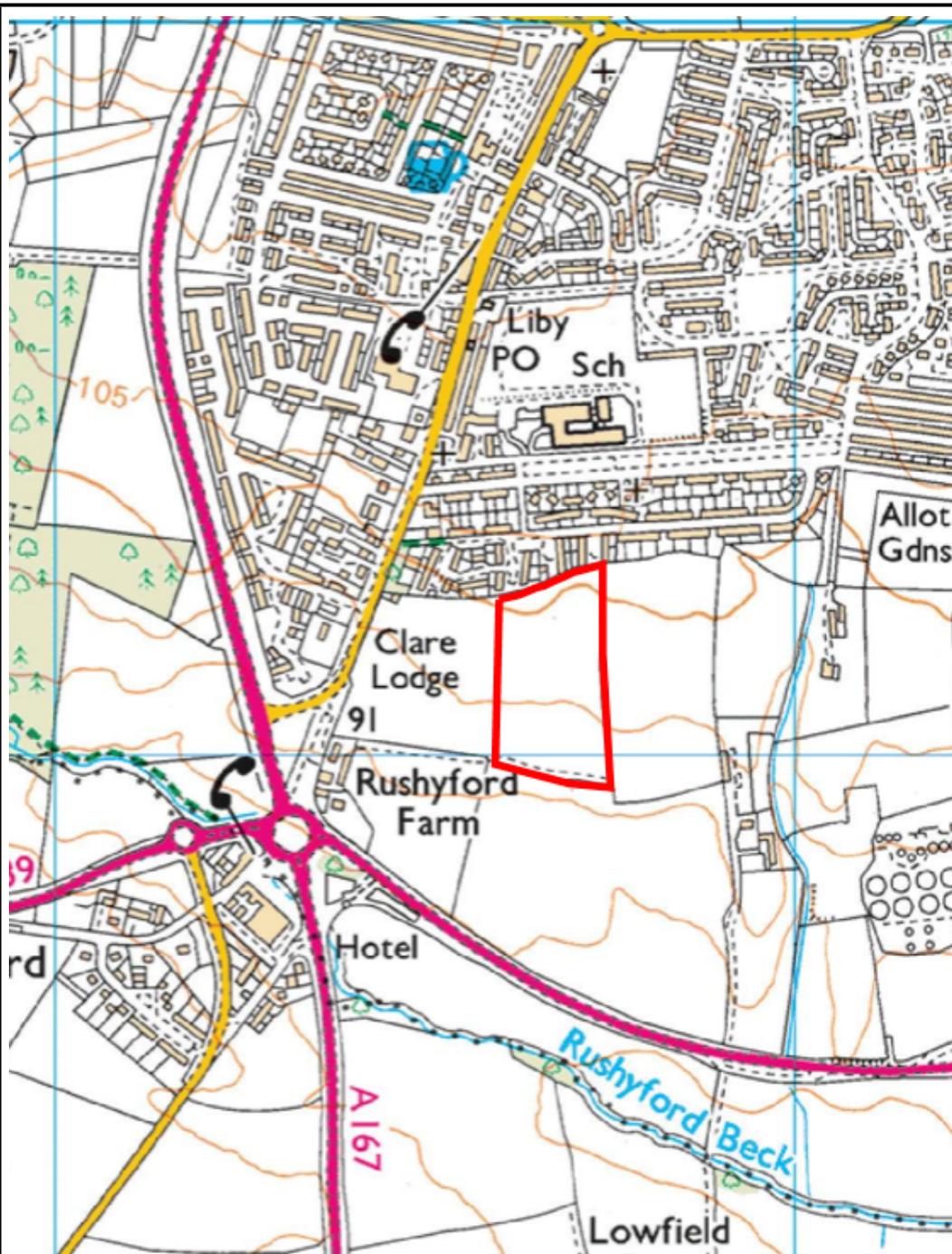
Sedgefield Borough Local Plan

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



**Planning Services**

DM/18/02594/FPA  
 Land To The East Of Clare Lodge And Durham  
 Road, Chilton, DL17 0RW

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**Comments**

**Date** 4 December 2018

**Scale** Not to scale