

Appeal Decision

Inquiry held on 9-12 and 16 August 2016

Site visits made on 12 and 16 August 2016

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 October 2016

Appeal Ref: APP/X1355/W/16/3150609

Land to the south of Eden Drive, Sedgefield, County Durham TS21 2DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Story Homes and Durham Diocesan Board of Finance against the decision of Durham County Council.
 - The application Ref DM/15/03808/OUT, dated 8 December 2015, was refused by notice dated 12 April 2016.
 - The application was for outline planning permission for up to 220 dwellings and full planning permission for 80 dwellings with associated access and landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 220 dwellings and full planning permission is granted for 80 dwellings with associated access and landscaping on land to the south of Eden Drive, Sedgefield, in accordance with the terms of the application Ref DM/15/03808/OUT, dated 8 December 2015, subject to conditions set out in a schedule attached to this decision.

Procedural matters

2. The application was partly submitted in outline form with all matters except for access reserved for future consideration. The appeal, with regard to this part of the application, will be determined on the same basis.

3. Sedgefield Village Action Group (SVAG) was granted Rule 6(6) status under the provisions of the Inquiries Procedure Rules.

The appeal site and its surroundings

4. The appeal site is about 14.3 hectares and is made up of two parcels; parcel A is about 4.4 hectares and is the land for which full planning permission is sought, and parcel B is about 9.9 hectares and is the land for which outline planning permission is sought. The site is principally fields of grass or arable crops (the land has been classified as Grade 3b land following an Agricultural Land Classification assessment). To the west of the site is existing residential development on The Meadows and to the north is residential development on Eden Drive and Thurlow Road.

5. The site is bounded to the south by the A689, which links Bishop Auckland with Teesside, and towards the east end of the south boundary is a roundabout junction of the A689 with the A177, which extends south-eastwards to Stockton-on-Tees. To the east of the site is a field used for horse grazing beyond which is Stockton Road, which links the centre of Sedgefield with the A689. Between the field and a stable

development, and existing development on Thurlow Road, is a part of the site that has a frontage to Stockton Road.

6. Footpath no. 16 crosses the site, from Eden Drive to the A689 and extends, passing between a petrol station and a motel, beyond to connect with a countryside recreational route. This route returns as footpath no. 15 which, having crossed the A689, passes through a scrubby area between the site and the A689.

The proposed development

7. The proposed development includes an access into the site off the roundabout junction of the A689 and the A177. This access road would pass first through the centre of parcel B and through parcel A to a junction with Stockton Road. The development also includes the partial closure of the Stockton Road/A689 junction so that access into the town would be through the site from the roundabout rather than along Stockton Road from its junction with the main road. There would be a secondary access into the site for pedestrians and cyclists, and for emergency vehicles, but there would be no vehicular access into the site other than off Stockton Road and from the roundabout.

8. Parcel A would be developed for 80 detached, semi-detached and terraced dwellings of 14 different 2-5 bedroom house types. The development would also include the provision of a 'village green' open space alongside the access road and the strengthening of existing screening vegetation along the south boundary to the main road. Parcel B would be developed for up to 220 dwellings in a range of house types and the development would include, as shown on approved land use and landscaping parameters plans, a substantial open space at the north end of the site. The developments would include a total of nearly 3 hectares of landscaped and public open space and, in accordance with a signed and dated Section 106 Agreement submitted at the Inquiry, 10% of the dwellings would be affordable housing.

Planning Policy

9. The development plan, for the purposes of the appeal, is saved policies of the Sedgefield Borough Local Plan 1996 (LP) – which was intended to provide local planning policy up to 2006. Three LP policies, E4, H8 and D1, are cited in the sole reason for refusal of the application. LP policy E4 states that proposals for built development will normally be refused in green wedges which provide the setting of towns and villages. The LP designated a green wedge 'South of Sedgefield Village' and the appeal site is wholly within this green wedge. LP policy H8 provides for housing development in villages including Sedgefield and it is stated in the reasons for policy that this "...will support the strategy which is to balance the need for new housing while maintaining the character of the countryside". LP policy D1 sets out design principles to be applied to the layout and design of all new developments.

10. Reference has been made by the Council to other LP policies. However, no suggestion has been made, either in writing or at the Inquiry, that the proposed development conflicts with any of these policies.

11. Paragraph 49 of the National Planning Policy Framework (NPPF) states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

12. A replacement for the LP and other planning policy documents, the County Durham Plan (CDP), was submitted for examination and, following a Stage 1 Examination, an Interim Report by the Inspector was issued on 18 February 2015. The Report was quashed by the High Court and, in accordance with the High Court Order, the Council has withdrawn the CDP. The main parties agree that the CDP carries no weight. It is worth noting, however, that Policy 30 of the CDP proposed an allocation of 450 dwellings on a site that includes the appeal site.

13. A draft Sedgefield Neighbourhood Plan (NP), in which policy 1 sought to restrict development outside the built up area, was submitted for examination but the Inspector criticised the policy in his report, amongst other criticisms, for being a 'severely restrictive policy' and one which would not 'provide for sustainable growth'. Work on the NP has now returned to first principles and the main parties, including SVAG, agree that it can be afforded no weight. It is worth noting that the NP provided for 300 additional dwellings in Sedgefield.

Housing land supply

14. The Council accepts that they do not have 5 years of housing land supply; they agree with the Appellants that housing supply is between 4.04 – 4.65 years. The Council further accepts that paragraph 49 of the NPPF is engaged. The position accepted by the Council is only for the purposes of the determination of this appeal.

Reasons

15. The main issues are; first, the effect of the proposed development on the character, value and visual amenity of the area; and second, in terms of the NPPF, whether the proposed housing development would be sustainable development.

The first issue – the character, value and visual amenity of the area

16. The appeal site falls within the 'Lowland Plain' Broad Landscape Type within the 'Tees Lowlands' County Character Area, as designated in the County Durham Landscape Character Assessment. Some parts of the Character Area are designated 'Areas of High Landscape Value' but these do not include any parts of the 'Lowland Plain' Landscape Type. The appeal site, as a matter of fact, is not within any area that is designated for its scenic value or character.

17. The appeal site is typical of agricultural land to the south of Sedgefield. It is subdivided by hedgerows and is bounded by vegetation belts, particularly along its south boundary to the A689, but it is ordinary and has no specific characteristics that distinguish it from land to the east and south. Nevertheless, the proposed development would have a profound effect on the character of the site; its rural character would be replaced by a residential development of decidedly urban character. The site is contained by development to the north and west and by the A689 to the south, and is set back from Stockton Road behind a field, and the proposed development would not thus have any significant adverse effect on the landscape character of the wider area.

18. The footpath that crosses the site provides access to the countryside beyond the A689 and to a circular footpath route through that countryside. The footpath is not fenced off and users of the footpath are free to roam over the grassed parts of the site. This facility is clearly used by dog walkers and the site itself does therefore have some recreational value, though use of the site for this purpose does constitute trespass and can therefore be discounted. The proposed development includes areas of public open space and several routes from existing residential areas of the town to

the crossing point over the A689. The recreational value of the site, in this regard, would be improved and access to the countryside and footpath network beyond the A689 would simply be delayed by a distance of about 300 metres.

19. The Council and SVAG have suggested that the site can be regarded to be a valued landscape and should therefore be considered in the light of paragraph 109 of the NPPF. The Council has, in this regard, referred to a Secretary of State decision on the development of land at Leckhampton, Cheltenham. In that case the Inspector found that "...the site is clearly a valued landscape" and the Secretary of State concluded that "Though not designated, the site is...clearly a locally valued landscape which paragraph 109...states should be protected". It is not appropriate to find that the appeal site, because it is valued by the local community, should be compared to, and be regarded in the same way, as the site at Leckhampton. No information on that site, other than the Inspector's report and the Secretary of State's decision has been submitted in evidence and, in any event, it is a fundamental planning principle that a site should be considered on its individual merits.

20. The appeal site has some recreational value and a footpath that crosses it provides access to the countryside and footpaths beyond the A689. It is valued by the local community but it is unremarkable in character. The site, fundamentally, cannot be regarded, with regard to paragraph 109 of the NPPF, to be a valued landscape. The site's inclusion within the green wedge designated by LP policy E4 does not alter this conclusion and footnote 9 on page 4 of the NPPF is not engaged.

21. There are various aspects to the effect of the proposed development on the visual amenity of the area; these include the setting of the town, views towards the tower of St Edmund's Church, and views out from Hodgemore Hill, a part of Ceddesfield Hall Registered Park and Garden (RPG). With regard to all these three aspects, comments have been made by various parties about the design of the two elements of the proposed development. However, the detailed element has, overall, been carefully and sensitively designed and there is no reason to suppose that the outline element would not also be so designed. It is worth noting, in particular and with regards to the design of the development, that existing hedgerows and other topographical features would be retained.

22. Existing development to the west of the appeal site extends up to the A689 and, in this regard, the proposed development, given that it would similarly extend up to this main road, would be a natural extension of the settlement. Stockton Road to the east of the site is one of the original roads into the town. It is an attractive entry into and exit out of the town. The proposed development would be set back from Stockton Road behind an intervening field and, given the topography of the area and trees and vegetation on the west and east boundaries of the field, the top parts of proposed dwellings would only be glimpsed from the public domain. Furthermore, in time, maturing existing and proposed vegetation would effectively screen the development from Stockton Road.

23. Development to the west of the site is effectively screened in views from the A689 by boundary vegetation and the proposed development would be similarly screened by existing and proposed vegetation. There would be views into the development from the roundabout, along the proposed access road, but these would only be glimpses from moving vehicles. There are views of the site from the east from the A689 and from the south-east from the A177. But in these views the site is seen against a backdrop of trees and the rooftops of dwellings and other buildings

within the town. Taking all these factors into account the proposed development would not have a significant adverse effect on the setting of Sedgefield.

24. The tower of St Edmund's Church, which is at the highest point and at the heart of the town, is a distinctive and prominent feature of the area. It is visible from some considerable distance away, particularly in views from roads and footpaths to the east and south of the settlement. But, apart from within the appeal site, in no views would the proposed development obscure any part of the tower, which would remain a distinctive feature of the wider area. The main estate road, from the roundabout, has been aligned to maximise views of the tower from within the development. In this regard, views of the tower within the development would be similar to those from the footpath that crosses the site. From the A689 and the A177, and from footpaths to the south of the town, the tower of the church would be seen above the rooftops of proposed dwellings as it is in views from other directions. The proposed development would not undermine the prominence of the tower of St Edmund's Church in views of the town.

25. Ceddesfield Hall is to the south of St Edmund's Church and the RPG is principally to the south of the hall. However, a part of the RPG extends out to the east and includes a line of mature trees alongside Thurlow Road that terminates at Hodgmore Hill. The hill is not fenced off from the road and there is unofficial public access to this raised area from which there are views across the appeal site to the south. The views across the undeveloped fields would be transformed by the proposed development. However, the nearest dwellings would be beyond the main estate road as it extends towards a junction with Stockton Road and views of countryside beyond the A689 would remain from Hodgmore Hill. Furthermore, the 'hill' would be alongside, and would become part of, a substantial public open space within the development that would be a significant addition to recreational opportunities on the south side of the town. The amenity value of the 'hill' would be enhanced and the harm that would be caused to the visual amenity of the area by the loss of near views to the south across the appeal site would be negligible.

26. The appeal site has value but is not a valued landscape. The proposed development would have a profound effect on the character of the site but would not have any significant adverse effect on the character or visual amenity of the wider area. On this issue, despite the harm that would be caused to the character of the site, the development would not conflict with saved LP policies E4, H8 and D1.

The second issue – sustainable development

27. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, economic, social and environmental, and paragraph 8 states that these roles should not be undertaken in isolation, because they are mutually dependant.

28. The proposed development would create about 64 direct and 97 indirect construction jobs and would, through the use and purchase of local materials, support local businesses. The development would result in an uplift in GVA of about £4.5 million per annum and an estimated £3.2 million net local expenditure per annum, some of which would be in Sedgefield. It is also estimated that the additional population of the town would result in the creation of about 45 local jobs mainly in the retail and leisure sectors. The development would result in New Homes Bonus payments of about £3.1 million and over £520,000 in Council Tax payments per annum. There can be no doubt that the proposed development would satisfy the economic role of sustainable development.

29. The proposed development would deliver up to 300 well-designed homes, including bungalows to meet the needs of elderly residents, 30 of which would be affordable homes. The development would include the provision of public open space to meet the needs of intended residents but this space would also be located to be accessible by residents of existing neighbouring residential development. Residents of the proposed development would have easy walking and cycling access to services and facilities in the town. The site is only an 8 minute walk away from Sedgefield Primary School and a 15 minute walk away from Sedgefield Community College. There are existing bus stops on Stockton Road and regular bus services to nearby main towns such as Stockton, Middlesbrough and Newton Aycliffe would be diverted through the development and would be served by new bus stops. There is adequate car parking capacity in the town centre to accommodate the slight increase in demand for such parking resulting from the proposed development. The site is in an eminently sustainable location and the proposed development would satisfy the social role of sustainable development.

30. Uncontested evidence submitted by the Appellants indicates that the development would deliver a net benefit to biodiversity and would not have any unacceptable ecological impacts. The site is not within a flood risk area, the development would not increase the risk of flooding elsewhere, and no objections have been raised by the Environment Agency, the Council in their role as Lead Local Flood Authority or Northumbrian Water Limited (NWL). NWL have confirmed that, for foul sewerage, connections can be made to public sewers and that capacity is available at Sedgefield waste water treatment works which is on the opposite side of the A689. All matters associated with the creation of a new road access off the roundabout junction of the A689 and the A177 have been discussed and with and agreed by Highways England as highways authority for the strategic road network. The Council, as local highways authority, have not raised any concerns regarding highway safety or the impact of the development on the highway network.

31. The RPG is within the Sedgefield Conservation Area (SCA) which thus bounds the appeal site to the north, and St Edmund's Church is a Grade I listed building. Neither the Council nor SVAG have raised any concerns regarding the effect of the proposed development on the SCA or its setting, or on the setting of the church. Mr Cowan, for CPRE, pursued concerns regarding the setting of the church at the Inquiry but these are unfounded. The tower of the church, in this regard, would remain a prominent feature of the landscape surrounding Sedgefield and the development would not obscure the tower in any views of the town. The setting of the listed building and the character and appearance of the SCA would not be harmed. The proposed development would not have any significant adverse effect on the character of the area or on the setting of the town. Taking these factors and those covered in the previous paragraph into account the proposed development would satisfy the environmental role of sustainable development.

32. Taking all the aforementioned factors into account and the conclusions on the first main issue, and taking account of the NPPF as a whole, the proposed housing development would satisfy the three roles as set out in paragraph 7 of the NPPF and would thus be sustainable development.

Conditions and Section 106 Unilateral Undertaking

33. At the Inquiry the Council and the Appellants submitted an agreed list of 33 conditions. All the conditions are necessary and otherwise meet the tests set out in the Planning Practice Guidance. They have been imposed though they have been

amended where necessary in the interests of clarity and precision. The reasons for the conditions are set out in the schedule of conditions attached to this decision.

34. A signed and dated Section 106 Agreement, in favour of DCC, was submitted during the Inquiry. Schedule 2 of the Agreement relates to Parcel A and Schedule 3 relates to Parcel B, and both schedules specify the payment of education, community and sports facilities contributions and matters relating to the provision of affordable housing. The obligations of the Undertaking are all related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement therefore complies with the tests set out in the Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 (CIL) and, with regard to clause 4 of the Agreement, is required if planning permission is granted for the development. DCC has confirmed, in a note submitted at the Inquiry (Document 11), that there is no conflict with CIL Regulation 123(3).

Other matters

35. Mr and Mrs Jackson live at 13 Thurlow Road and their house overlooks the appeal site to the south. Mr Jackson has a serious health condition, asbestosis, that is exacerbated by dust and otherwise poor environmental conditions. He is dependent on machine generated oxygen and ventilation of their home is essential to improve air quality. They are concerned that the construction works associated with the proposed development would adversely affect his health and well-being. The Appellants are well aware of Mr Jackson's poor health and this awareness would be passed on to the contractors engaged to carry out the construction works if the planning permission is implemented. It is certain that the contractors will be registered for the Considerate Constructors Scheme and it is likely that they will do everything necessary to alleviate any adverse health consequences for Mr Jackson throughout the construction period. This is a matter of concern but is not a matter, in itself or with other matters, that can prevent the grant of planning permission.

The planning balance and overall conclusions

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement of planning law is at the heart of the balancing exercise. The planning balance requires planning judgement to be exercised.

37. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and that, for decision-taking, this means, where relevant policies of the development plan are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Whether policies of the development plan are out-of-date depends, with reference to paragraph 49, on whether the local planning authority, as required by paragraph 47, can demonstrate a five-year supply of deliverable housing sites.

38. The Council cannot demonstrate a five-year supply of housing sites and development plan policies for the supply of housing are therefore out of date. Saved LP policy E4 is, partly, a policy for the supply of housing because it restricts housing growth in green wedges outside settlement limits. In this case there is, technically,

conflict with policy E4. But, in terms of Section 38(6) of the 2004 Act, the lack of a five-year supply of housing sites is a material consideration which warrants a decision in this instance other than in accordance with the development plan. Also, with regard to policy E4 being out of date and paragraph 14 of the NPPF, there are no significant adverse impacts to prevent the grant of planning permission.

39. The appeal is allowed and outline planning permission is granted for up to 220 dwellings and full planning permission is granted for 80 dwellings with associated access and landscaping on land to the south of Eden Drive, Sedgefield.

John Braithwaite

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Barrett	Barrister
He called	
Ms H Smith BSc(Hons) DipLA CMLI	Associate Director of Southern Green Ltd
Mr I Lyle BSc(Hons) MPhil MRTPI	Partner/Director of ELG Planning

FOR THE APPELLANT:

Mr A Williamson	Partner at Walker Morris Solicitors
He called	
Dr N Bunn BSc(Hons) PhD MSc MCIHT CMILT	Director of WYG
Mr M Elliott MSc CEng FICE CWEM FCIWEM FCI Arb CEnv	Director of WYG
Dr A Martin BSc PhD MCIEEM CMLI	Director of E3 Ecology Ltd
Dr S Carter BSc(Hons) PhD MCIfA	Senior Heritage Consultant
Mr B Denney BA(Hons) DIPLA CMLI CENV MIEMA	Environmental Planning Director of Pegasus Group
Mr N Westwick BA(Hons) DipTP MRTPI	Planning Director of Nathaniel Lichfield and Partners

FOR SEDGEFIELD VILLAGE ACTION GROUP

Mrs J Bowles	Gave evidence and called
She called	
Mr Patterson	Local resident
Ms J Archer	Local resident
Mr M Spalding	Local resident
Mrs G Wills	Local resident
Dr J Larcombe	Local resident

INTERESTED PERSONS:

Mrs N Jackson	Local resident
Mr Cowen	CPRE
Mr M Carr	Local resident and representing Sedgefield Town Council
Mr Robinson	County Councillor
Mr C Lines	Local resident
Mr Haylock	Representing ESRG Group

DOCUMENTS

- 1 Appearances on behalf of the Appellants.
- 2 Council's letters of notification of the Inquiry and lists of those notified.
- 3 Appellants' Opening Submissions.
- 4 Opening on behalf of the Local Planning Authority.
- 5 Housing Land Supply Statement of Common Ground.
- 6 Definitive Map.
- 7 Sedgefield-Shotton Circular Walk.
- 8 Sedgefield Village Plan 1974.
- 9 Tees Lowlands Local Landscape Types Map.
- 10 Sedgefield Borough Local Plan.
- 11 CIL Compliance Note.
- 12 Section 106 Legal Agreement.
- 13 Note on Sedgefield Parking Survey by Dr Bunn.
- 14 Agreed conditions.
- 15 Representation by Mr and Mrs Jackson.
- 16 Representation by Mr Patterson.
- 17 Letter from Mrs Ryan dated 10 August 2016.
- 18 Letter from Ms Lafford dated 10 August 2016.
- 19 Letter from Mr Cowen to the Council on behalf of the CPRE dated 26 February 2016.
- 20 Statement by Mr Cowen on behalf of the CPRE.
- 21 Representation by Councillor M Carr.
- 22 Councillor Carr's parking statement.
- 23 Representation by Mr Haylock on behalf of the ESRG Group.
- 24 Closing Statement on behalf of the Sedgefield Village Action Group.
- 25 Closing Statement on behalf of the Local Planning Authority.
- 26 Appellants' Closing Statement.

SCHEDULE OF CONDITIONS FOR PLANNING PERMISSION DM/15/03808/OUT

1. The development hereby permitted on "Parcel A" as identified on drawing SD-00.03 shall be begun before the expiration of three years from the date of this permission.

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

2. No development shall take place on "Parcel B" as identified on drawing SD-00.03 until approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved on "Parcel A" as identified on drawing SD-00.03 shall be carried out in strict accordance with the following approved plans and documents:

- SD-00.03 Land Parcel Plan
- SD-00.01 Rev A Site Location Plan
- SD-10.01 Rev AF Masterplan as Proposed (Detailed Element)
- SD-10.05 Rev J Surface Treatment Plan
- SD-10.06 Rev K Boundary Treatment Plan
- SD-20.01 Rev K Masterplan as Proposed
- SD-20.02 Rev D Colour Masterplan
- SD-20.04D Right of Way Plan
- SD-40.01D Site Sections
- SD-80.01E Foul Pumping Station Details
- SD-90.17. A Phasing Plan
- C003 Rev C Proposed Access Junction
- ACE-PL1/1 Acer – Planning Plans 1
- ACE-PL1/1 Acer – Planning Elevations 1/1
- ARU-PL1 Arundel v3 – Planning Plans 1
- ARU-PL4 Arundel v3 – Planning Plans 4
- ARU-PL4/2 Arundel v3 – Planning Plans 4/2
- ARU-PL1/7 Arundel v3 – Planning Elevations 1/7
- ARU-PL2/2 Arundel v3 – Planning Elevations 2/2
- BAN-PL1 Banbury v3 – Planning Plans 1
- BAN-PL1/1 Banbury v3 – Planning Elevations 1/1

- BAN-PL1/2 Banbury v3 – Planning Elevations 1/2
- BOS-PL1 Boston v3 – Planning Plans 1
- BOS-PL1/1 Boston v3 – Planning Elevations 1/1
- BOS-PL1/5 Boston v3 – Planning Elevations 1/5
- CHE-PL1 Chester v3 – Planning Plans 1
- CHE-PL1/18 Chester v3 – Planning Elevations 1/18
- HRG-PL2 Harrogate v3 – Planning Plans 2
- HRG-PL2/2 Harrogate v3 – Planning Elevations 2/2
- HAS-PL1 Hastings v3 – Planning Plans 1
- HAS-PL1/1 Hastings v3 – Planning Elevations 1/1
- HAS-PL1/5 Hastings v3 – Planning Elevations 1/5
- HAW-PL2 Hawthorn v3 – Planning Plans 2
- HAW-PL2/3 Hawthorn v3 – Planning Elevations 2/3
- MAY-PL1 Mayfair v3 – Planning Plans 1
- MAY-PL1/2 Mayfair v3 – Planning Elevations 1/ 2
- MAY-PL1/8 Mayfair v3 – Planning Elevations 1/8
- SAL-PL1A Salisbury v2 – Planning Plans 1
- SAL-PL1/10A Salisbury v2 – Planning Elevations 1/10
- SAL-PL1/12A Salisbury v2 – Planning Elevations 1/12
- TAU-PL1 Taunton v3 – Planning Plans 1
- TAU-PL1/1 Taunton v3 – Planning Elevations 1/1
- TAU-PL1/8 Taunton v3 – Planning Elevations 1/8
- WAR-PL1 Warwick v3 – Planning Plans 1
- WAR-PL1/1 Warwick v3 – Planning Elevations 1/ 1
- WAR-PL1/7 Warwick v3 – Planning Elevations 1/7
- WEL-PL1 Wellington v3 – Planning Plans 1
- WEL-PL1/1 Wellington v3 – Planning Elevations 1/1
- WEL-PL1/3 Wellington v3 – Planning Elevations 1/3
- WIN-PL1 Winchester v3 – Planning Plans 1
- WIN-PL1/1 Winchester v3 – Planning Elevations 1/3
- WIN-PL1/4 Winchester v3 – Planning Elevations 1/4
- Strategic Design Code dated February 2016
- Bat Survey Report dated December 2015
- Extended Phase 1 Habitat Survey dated December 2015
- Archaeological Evaluation Report April 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regard to Policies E1, E4, E11, E15, E18, H8, H19, T1, T2, L1, L2, L9, L10, D1, D2, D3, D5 and D8 of the Sedgefield Borough Local Plan and having regards to Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the NPPF.

4. The development hereby approved on "Parcel B" as identified on drawing SD-00.03 shall be carried out in accordance with the following approved plans and documents:

- SD-00.03 Land Parcel Plan
- SD-00.01 Rev A Site Location Plan
- C001 Rev B Proposed Site Access Junction
- SD-90.11 A Building Scale Parameters
- SD-90.12 A Land Use Parameters
- SD-90.13 A Landscape Parameters
- SD-90.14 A Density and Massing Parameters
- SD-90.15 A Building Platform Parameters
- SD-90.16 A Landmark Parameters
- SD-90.17 A Phasing Plan
- Strategic Design Code dated February 2016
- Bat Survey Report dated December 2015
- Extended Phase 1 Habitat Survey dated December 2015
- Archaeological Evaluation Report December 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regard to Sedgfield Borough Local Plan Policies E1, E4, E11, E15, E18, H8, H19, T1, T2, L1, L2, L9, L10, D1, D2, D3, D5 and D8.

5. No development shall take place on "Parcel A" as identified on drawing SD-00.03 until full engineering details of the proposed amendments to the A177/A689 roundabout have been submitted and approved in writing by the Local Planning Authority. Only site preparation works and formation of site compound shall take place on site (and no other development) until such time as the new 6.75 metres wide estate link road has been constructed up to and including the surface course for a distance of 20 metres north of the proposed splitter island. All works must be implemented in accordance with the approved details.

Reason: In the interests of highway safety having regards to SLP Policy D3 and Part 4 of the NPPF. Required to be pre-commencement as final access design must be agreed prior to the commencement of said access.

6. No development within "Parcel B" as identified on drawing SD-00.03 shall take place until full engineering details of the protected right turn lane on the C38 Stockton Road have been submitted to and approved in writing by the Local Planning Authority. The approved protected right turn lane must be completed prior to any other development works commencing on "Parcel B".

Reason: In the interests of highway safety having regards to Policy D3 of the Sedgfield Borough Local Plan and Part 4 of the NPPF. Required to be pre-commencement as implementing a safe access is required prior to the undertaking of other development works.

7. No development work shall take place in "Parcel A" as identified on Plan SD-00.03 nor any site cabins, materials or machinery be brought on site 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 Policies E1, E15, D1 and D5 of the Sedgefield Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

8. No development shall take place in "Parcel A" as identified on Plan SD-00.03 until;

i. A Phase 2 Site Investigation and Risk Assessment to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications has been submitted to and approved in writing by the Local Planning Authority.

If the Phase 2 report identifies any unacceptable risks remediation is required and no development shall take place until;

ii. A Phase 3 Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority detailing the proposed remediation measures to be undertaken. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of the remediation measures.

Upon completion of the remedial works (if required) then;

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors and having regards to Part 11 of the NPPF. Required to be pre-commencement as the extent, if any, of site contamination and the means to remediate this must be confirmed prior to the development proceeding.

9. No development shall take place in "Parcel B" as identified on Plan SD-00.03 until;

i. A Phase 2 Site Investigation and Risk Assessment to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications has been submitted to and approved in writing by the Local Planning Authority.

If the Phase 2 report identifies any unacceptable risks remediation is required and no development shall take place until;

- ii. A Phase 3 Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority detailing the proposed remediation measures to be undertaken. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of the remediation measures.

Upon completion of the remedial works (if required) then;

- iii. A Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors and having regards to Part 11 of the NPPF. Required to be pre-commencement as the extent, if any, of site contamination and the means to remediate this must be confirmed prior to the development proceeding.

10. No development shall take place in "Parcel A" as identified on Plan SD-00.03 until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. The construction management strategy shall include the following;

- i. A Dust Action Plan;
- ii. Details of methods and means of noise reduction;
- iii. Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner.
- iv. Details of means of reducing the potential for mud on the roads in the vicinity of the site. 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 development shall be undertaken in accordance with the agreed management strategy.

Reason: In the interests of residential amenity having regards to Policy D5 of the Sedgfield Borough Local Plan and Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

11. No development shall take place in "Parcel B" as identified on Plan SD-00.03 until a construction management strategy has been submitted to and approved in

writing by the Local Planning Authority. Said management strategy must include the following;

- i. A Dust Action Plan;
- ii. Details of methods and means of noise reduction;
- iii. Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner;
- iv. Details of means of reducing the potential for mud on the roads in the vicinity of the site. 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 development shall be undertaken in accordance with the agreed management strategy.

Reason: In the interests of residential amenity having regards to Policy D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

12. No development shall take place in "Parcel A" as identified on Plan SD-00.03 until a programme of archaeological work including an archaeological works phasing plan and mitigation strategy ("the Archaeological Strategy") has been submitted to and approved in writing by the Local Planning Authority. No development shall commence in each phase as defined in the Archaeological Strategy for Parcel A until the relevant mitigation works have been implemented in that phase in accordance with the approved strategy document. The strategy shall include details of the following:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- iii. Post-fieldwork methodologies for assessment and analyses;
- iv. Report content and arrangements for dissemination, and publication proposals;
- v. Archive preparation and deposition with recognised repositories;
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;

- viii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Within 6 months of the archaeological works being complete, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record or the receiving archive (Bowes Museum).

Reason: The site contains features of archaeological interest and mitigation measures are necessary having regards to Part 12 of the NPPF.

13. No development shall take place in "Parcel B" as identified on Plan SD-00.03 until a programme of archaeological work including a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. No development shall commence in the areas defined in the programme of archaeological work for Parcel A until the relevant mitigation works have been implemented in accordance with the approved strategy document. The strategy shall include details of the following:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- iii. Fieldwork methodologies for assessment and analyses;
- iv. Report content and arrangements for dissemination, and publication proposals;
- v. Archive preparation and deposition with recognised repositories;
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
- viii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Within 6 months of the archaeological works being complete, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record or the receiving archive (Bowes Museum).

Reason: The site contains features of archaeological interest and mitigation measures are necessary having regards to Part 12 of the NPPF.

14. Only site access works permitted under condition no. 5 (and no other development) shall take place until details of the siting, design and phased delivery of public transport infrastructure to serve the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the infrastructure must be implemented in accordance with the approved details.

Reason: In the interests of sustainable transport having regards to SLP Policy D3 Part 4 of the NPPF.

15. Only site access works permitted under condition 5 (and no other development) shall take place in "Parcel A" as identified on drawing SD-00.03 until a scheme for the management and disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

The agreed scheme should be based upon the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping;
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained.

The development shall be implemented in accordance with the agreed scheme.

Reason: In the interests of managing surface water disposal and reducing flood risk having regards to Part 10 of the NPPF.

16. Only site access works permitted under condition 6 (and no other development) shall take place in "Parcel B" as identified on drawing SD-00.03 until a scheme for the management and disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

The agreed scheme should be based upon the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping

- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interests of managing surface water disposal and reducing flood risk having regards to Part 10 of the NPPF.

17. Only site access works permitted under condition 5 (and no other development) shall take place in "Parcel A" as identified on Plan SD-00.03 until a final noise mitigation strategy based upon the principles contained within the "Noise Assessment" by Wardell Armstrong dated December 2015 has been submitted to and approved in writing by the Local Planning Authority. The noise mitigation strategy may include specific mitigation measures including but not necessarily restricted to acoustic glazing, mechanical ventilation or acoustic barriers. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures shall be retained thereafter.

Reason: In the interests of residential amenity having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.

18. Only site access works permitted under condition 6 (and no other development) shall take place in "Parcel B" as identified on Plan SD-00.03 until a final noise mitigation strategy based upon the principles contained within the "Noise Assessment" by Wardell Armstrong dated December 2015 has been submitted to and approved in writing by the Local Planning Authority. The noise mitigation strategy may include specific mitigation measures including but not necessarily restricted to acoustic glazing, mechanical ventilation or acoustic barriers. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures shall be retained thereafter.

Reason: In the interests of residential amenity having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.

19. Only site access works permitted under condition 5 (and no other development) shall take place in "Parcel A" as identified on Plan SD-00.03 until a detailed programme of ecological mitigation and management works based upon the recommendations detailed in section 5 of the submitted "Bat Survey Report dated December 2015", section 6 of the submitted "Extended Phase 1 Habitat Survey dated December 2015" and section 7 the Proof of Evidence of Dr Antony Martin Ref R02 have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of preserving protected species and their habitats having regards to Part 11 of the NPPF.

20. Only site access works permitted under condition no. 6 (and no other development) shall take place in "Parcel B" as identified on Plan SD-00.03 until a detailed programme of ecological mitigation and management works based upon the recommendations detailed in section 5 of the submitted "Bat Survey Report dated December 2015", section 6 of the submitted "Extended Phase 1 Habitat Survey dated December 2015" and section 7 the Proof of Evidence of Dr Antony Martin Ref R02 have been submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of preserving protected species and their habitats having regards to Part 11 of the NPPF.

21. Only site access works permitted under condition 5 (and no other development) shall take place on "Parcel A" as identified on drawing SD-00.03 until a scheme/programme for the provision of targeted recruitment and training opportunities arising as a result of the development has been submitted to and approved by the Local Planning Authority. Such a scheme could include but may not necessarily be restricted to the following;

- Job Opportunities
- Apprenticeship
- Traineeship
- Graduate Internship
- Work Placements

Thereafter the approved scheme/programme shall be implemented.

Reason: In order to maximise the economic and employment opportunity benefits arising from the development having regards to Part 1 of the NPPF.

22. Only site access works permitted under condition 6 (and no other development) shall take place on "Parcel B" as identified on drawing SD-00.03 until a scheme/programme for the provision of targeted recruitment and training opportunities arising as a result of the development has been submitted to and approved by the Local Planning Authority. Such a scheme could include but may not necessarily be restricted to the following;

- Job Opportunities
- Apprenticeship
- Traineeship
- Graduate Internship
- Work Placements

Thereafter the approved scheme/programme shall be implemented.

Reason: In order to maximise the economic and employment opportunity benefits arising from the development having regards to Part 1 of the NPPF.

23. Prior to the formation of the 6.75 metres wide link road between the C38 Stockton Road and the A177/A689 roundabout a scheme proposing a 7.5T weight limit must be submitted to and approved in writing by the Local Planning Authority. The 7.5T weight limit signs must be erected prior to the opening of the 6.75 metres wide link road.

Reason: To ensure that Sedgfield Town Centre is protected from unnecessary heavy goods vehicle through traffic having regards to highway safety in accordance with Sedgfield Borough Local Plan Policy D3 and Part 4 of the NPPF.

24. Prior to the commencement of works on the erection of any dwelling in "Parcel A" as identified on Plan SD-00.03 details of the finished floor levels of all dwellings shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the agreed details.

Reason: In the interests of reducing flood risk from culvert failure or blockage having regards to the content of the submitted Flood Risk and Drainage Assessment dated December 2015 by JBA Consulting and having regards to Part 10 of the NPPF.

25. Prior to the commencement of works on the erection of any dwelling in "Parcel B" as identified on Plan SD-00.03 details of the finished floor levels of all dwellings shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the agreed details.

Reason: In the interests of reducing flood risk from culvert failure or blockage having regards to the content of the submitted Flood Risk and Drainage Assessment dated December 2015 by JBA Consulting and having regards to Part 10 of the NPPF.

26. Prior to the commencement of works on the erection of any dwelling in "Parcel A" as identified on Plan SD-00.03 a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation having regard to Part 10 of the NPPF.

27. Prior to the commencement of works on the erection of any dwelling in "Parcel B" as identified on Plan SD-00.03 a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation having regard to Part 10 of the NPPF.

28. Prior to the commencement of works on the erection of any dwelling on "Parcel A" as identified on drawing SD-00.03 a detailed landscaping scheme for the development 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.

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. 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.

The approved landscaping scheme shall be fully implemented within the first available planting season following the completion of the development.

Reason: In the interests of the visual amenity of the area having regards to Policies E1, E4, E15, D1, D5 of the Sedgefield Local Plan and having regard to Parts 7 and 11 of the NPPF.

29. Notwithstanding any details of materials submitted with the planning application, no development shall commence on the erection of the dwellings (except up to damp proof course level) in "Parcel A" as shown on Plan SD-00.03 until full details of external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area having regards to Policies D1 and D5 of the Sedgefield Local Plan and Part 7 NPPF.

30. Prior to the occupation of any dwelling in "Parcel A" as identified on drawing SD-00.03 a Residential 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 Residential Travel Plan.

Reason: In the interests of sustainable transport and Part 4 of the NPPF.

31. Prior to the occupation of any dwelling in "Parcel B" as identified on drawing SD-00.03 a Residential 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 Residential Travel Plan.

Reason: In the interests of sustainable transport and Part 4 of the NPPF.

32. No construction works shall take place outside the hours of 0800 and 1800 Monday to Friday and 0800 to 1300 on Saturdays. No works shall take place on any Sunday or Bank Holiday.

Reason: In the interests of residential amenity and Part 11 of the NPPF.

33. The development hereby approved on "Parcel B" as identified on Plan SD-00.03 shall comprise a maximum of 220 dwellings.

Reason: To define the consent and precise number of dwellings approved.