

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/16/01450/OUT |
| FULL APPLICATION DESCRIPTION: | Resubmission of refused application DM/14/02318/OUT, proposed residential development with all matters reserved (indicative 34 dwellings). |
| NAME OF APPLICANT: | A Burnett |
| ADDRESS: | Land South Of Beacon Avenue, Beacon Lane, Sedgefield |
| ELECTORAL DIVISION: | Sedgefield |
| CASE OFFICER: | Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an undeveloped parcel of agricultural land measuring 1.45ha in area, located on the south eastern edge of Sedgefield. The site is triangular in shape and a level change is evident, with the gradient rising from the southern boundary with Stockton Road to the northern boundary of the site which borders Beacon Lane. Agricultural fields are located to the west of the site while residential properties are located to the east leading up to the edge of the Sedgefield Conservation Area, the boundary of which is located approx. 60m away. The site is enclosed by mature trees and vegetation of varying densities on all three sides, although views through to surrounding land to the east are achievable.

The Proposal

2. Outline planning permission is sought for the erection of up to 34 dwellings, with all matters reserved for future consideration. The scheme indicates that the dwellings would be a mix of semi-detached and detached houses arranged around a series of cul-de-sacs with areas of open space created. An upgraded vehicle access would be provided from an existing field access on Beacon Avenue and would involve the removal of a section of existing hedgerow to improve site visibility. The indicative layout shows that the vegetation to the southern boundary with Stockton Road would be reinforced. The applicant has confirmed a commitment to provide 10% affordable housing across the site.
3. The application is a resubmission of a previous refused scheme that was dismissed on appeal in April this year. Although the two applications are alike in terms of the proposed development this submission benefits from a proposed S106 legal agreement to secure a 10% affordable housing contribution, an open space

contribution if the necessary provision is not secured as part of any potential future reserved matters application and a 5m buffer around the site perimeter to address ecology requirements. (The indicative layout has also changed to reflect consultee responses as the application has progressed most notably indicating a 5m buffer around the perimeter of the site).

4. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

5. This is a resubmission of application (DM/14/02318/OUT) for 34 dwellings which was refused in May 2015. An appeal was later dismissed by the Planning Inspectorate in April 2016 on the grounds that there would be some localised harm to the character and appearance of the area and the proposal would not make suitable provision for affordable housing.
6. Since that appeal decision a hybrid application has been determined on land to the South of Eden Drive, which lies to the south of the application site. That application (DM/15/03808/OUT) for the erection of up to 220 dwellings(outline) and a further 80 dwellings(full) was refused by the Council in April 2016. This decision was challenged at appeal and was allowed in October 2016 by a planning inspector who did not consider that there would be any significant adverse impacts on the character, value and visual amenity of the area and that the proposed housing would represent sustainable development..
7. A further outline application on the field to the immediate east of this site for the erection of up to 150 dwellings was refused by the Council in February 2016. The grounds for refusal were that the development would cause significant adverse harm to the character of the local landscape through substantial and inappropriate incursion in to the surrounding countryside and less than significant harm to adjacent heritage assets. An appeal has been lodged with the Planning Inspectorate and a public inquiry is scheduled in the New Year.to consider the issues.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity,

building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

12. *NPPF Part 4 – 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.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 8 – Promoting Healthy 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.
16. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *NPPF Part 11 – 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.
18. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

19. Policy E1 (Maintenance of Landscape Character) Sets out that the council will seek to encourage the maintenance of distinctive landscape areas by resisting proposals that would damage the character and appearance of the River Wear Valley and requiring that landscaping features fit into a development proposal.
20. Saved Policy E4 (Green Wedges) Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.
21. Policy E11 (Safeguarding sites of Nature Conservation Interest) Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
22. Policy E15 (Safeguarding woodlands, trees and hedgerows) Sets out that the Council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
23. Policy E18 (Preservation and Enhancement of Conservation Areas) Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
24. Policy H8 (Residential Frameworks for larger villages) Outlines that within the residential framework of larger villages residential development will normally be approved.
25. Policy H19 (Provision of a range of house types and sizes including Affordable Housing) Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
26. Policy L1 (Provision of sufficient open space to meet the needs of 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.
27. Policy L2 (Open Space in New Housing Development) Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
28. Policy D1 (General Principles for the layout and design of new developments) Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
29. Policy D2 (Design for people) Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
30. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

31. 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.
32. Policy D8 (Planning for Community Benefit) Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

RELEVANT EMERGING POLICY

The County Durham Plan

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

Sedgefield Neighbourhood Plan

34. In September 2013 Sedgefield was granted approval for designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan has been submitted to the County Council and the submission consultation was completed on 29th March 2016. The Examination Report has now been delivered and it recommends deleting some of the policies in the plan as well as the retention of other subject to modification. Only limited weight may be attributed to these latter policies at this stage in accordance with national Planning Policy Guidance.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Sedgefield Town Council* - Sedgefield Town Council - Raise objections to the scheme advising that any development of the site would fundamentally change the historic entrance into the village altering its character and distinctiveness. The site has been used as agricultural land for generations and there is a significant height difference across the site. Any development would adversely affect the mature tree and hedging surrounding the development. The development would remove a valued greenfield site which forms a green corridor into the town and conservation area. The proposal would put pressure on water and sewage infrastructure as well as educational and health facilities. It is considered that the mediaeval rig and furrow that would be lost is a key part of the history and heritage of the town, while the potential impact on trees and vegetation would also affect the character of the area. Reference should be made to the emerging Sedgefield Neighbourhood Plan. Disappointment is expressed that this resubmission has been allowed to be made.

36. *Highways Authority* – Advise that although the development falls below the threshold requiring a formal Transport Statement, the submitted statement has been reviewed and is deemed to be acceptable in assessing the impact of the development. The proposed access, although indicative at this stage, along with the existing Beacon Lane/C38 junction is considered appropriate to serve the development. Subject to minor amendments to be secured in any reserved matter application, no objections are raised on highway safety grounds and it is advised that the surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development.
37. *Northumbrian Water* – Identifies that Sedgefield Sewage Treatment Works are nearing capacity with an approximate 300 dwelling headroom and therefore development needs to be co-ordinated so that capacity is not exceeded whilst investment works take place over the coming years. No objection is therefore raised in relation to capacity as in line with their statutory duties NWL would have to provide a connection to the sewage system.

INTERNAL CONSULTEE RESPONSES:

38. *Planning Policy* – Raise objections. It is considered that the scheme conflicts with the general aims of the SBLP as the site is outside the residential framework (policy H8) and within a designated green wedge (policy E4). Policy H8 is considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. The scheme has the potential to deliver benefits in social and economic terms through the delivery of new housing including affordable housing however the scheme would result in some localised harm to the character and appearance of the area in terms of landscape impact as per the previous Inspector's conclusions.
39. *Design and Historic Environment Section* – Raise objections. The proposed development site is considered to be an important green wedge marking the built settlement edge and transition to open countryside surrounding Sedgefield. The interaction between the historic built core of Sedgefield and the surrounding open countryside is considered to make a strong contribution to the setting and overall significance of the designated heritage asset. The proposed development of this site for housing has therefore been consistently assessed as resulting in less than substantial harm to the heritage asset which is the Sedgefield Conservation Area. The public benefits of the proposals should therefore be balanced against the impact on the designated heritage asset, as required by para 134 of the NPPF.
40. *Sustainability Officer* – Advises the application site has been subject to Sustainability Appraisal as part of the SHLAA process, and is not proposed to be allocated within the CDP. From a sustainability perspective the site was determined to have good social determinates, poor economic determinates and average environmental determinates culminating in a lower sustainability score. The significant adverse issues of loss of rig and furrow, impact upon Sedgefield Conservation Area and landscape adversely upon the sustainability credentials of the site. For this reason it is considered that development would not meet the presumption in favour of sustainable development. No information has been provided in terms of the energy performance of the dwellings and should planning permission be granted a condition requiring a scheme to embed sustainability and minimise carbon from construction should be incorporated in any consent.
41. *Landscape Section* – It is maintained that development of this site would have a significant adverse visual impact on the surrounding landscape and on the approach

to the village failing to comply with policies E1, E4 and D5 of the Local Plan and Part 11 of the NPPF.

42. *Arboricultural Officer* - The development will cause pressure to trees and hedgerows both during and post development. A full tree survey should be submitted in support of the application.
43. *Affordable Housing* – States that affordable housing requirement of 10% would be expected across the site
44. *Archaeology Section* – The site contains well preserved rig and furrow earthworks which are likely remnants of former medieval and post medieval townfields. The neighbouring fields to the east have been subject to archaeological investigation which have demonstrated there to be a significant prehistoric site. Upon review, and with knowledge of the features that exist in the field immediately adjacent to the development site it seems likely that anomalies on the submitted geophysical survey that may have been dismissed as non-archaeological are in fact likely to be archaeological. Notwithstanding this the heritage assets do not present an absolute constraint to development and if approved appropriate conditions could be imposed in accordance with the requirements of the NPPF.
45. *Drainage and Coastal Protection Section* – The content of the Flood Risk and Drainage Assessment is generally acceptable however sections of the report need to be developed further
46. *Ecology* - Recommends that the proposed mitigation strategy is updated to reflect the current proposal to ensure it remains relevant to this application. It is also recommended that further biodiversity improvements are incorporated into the overall plan.
47. *Environmental Health (Contaminated Land)* – Suggest a conditional approach to deal with any potential land contamination
48. *Environmental Health (noise)* – Offer no objections to the scheme but note the proximity of the houses to the road network. It is therefore considered that a noise survey is undertaken to establish the existing noise climate in order that the design of the housing can incorporate noise mitigation measures if required. It is also suggested that conditions be attached to any approval to control working hours on site and the burning of materials to protect the amenity of residents during the construction phase.
49. *School Organisational Manager* – Advises that no contributions are required for additional school places

PUBLIC RESPONSES:

50. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 94 properties have submitted letters of objection in relation to the issues which are summarised below.
 - The application was recently refused by the Planning Inspector and it is not considered that this submission addresses the previous reasons for refusal. Concern that the LPA has accepted a resubmission for essentially similar development so soon after the initial refusal and more generally that developers are allowed to keep resubmitting applications.

- The field is attractive and has a positive contribution to the character of the area, particularly on the approach into the village. Its loss would have an adverse impact. The field is also designated as green wedge and should be protected. Medieval rig and furrow is present in the field which contributes to its distinctiveness and should be protected.
- The Sedgefield Borough Local Plan does not permit development of this site. Any new housing should be limited in scale and provided in a controlled manner. The application should be considered against the backdrop of other housing sites put forward in the village which are currently being considered in addition to the recent approval nearby for a caravan park in excess of 300 units. There are other brownfield sites nearby that would be more suitable for redevelopment. There is no proven demand for the amount of housing proposed within the village. A significant influx of housing in the village will further impact on the already depressed housing market. It would also be contrary to the aims and intentions to the emerging Sedgefield Neighbourhood Local Plan.
- The scheme is considered to represent overdevelopment while concerns are raised on the potential impact on mature trees, that rear gardens would back onto the approach and that Sedgefield requires smaller starter homes or those which provide elderly provision.
- Concerns are raised over the capacity of the local road network and junction to accommodate the traffic generated by the additional dwellings and the resultant impact on parking pressures which are already strained.
- Insufficient infrastructure exists to support the additional housing development particularly in relation to the capacity of schools, medical services, sports facilities, water supply and drainage.

51. Sedgefield Civic Trust - Object to the application and consider the land of great historical importance being a non-designated heritage asset showing an ancient field system. The site borders the Conservation Area which is covered by an Article 4 Direction and is on the entrance to the village. The development of this site would cause a loss of public amenity and ruin the most prominent entrance into the village. The development does not meet policy E18 of the Sedgefield Borough Plan and threatens the village's heritage and the rural aspects of the conservation area. This application should not be seen in isolation with significant number of other applications for housing pending. Concerns are raised regarding the suitability of the access particularly in relation to emergency vehicle access to the remainder of the Beacon Lane Estate. Localised flooding issues are highlighted, while it is advised that there is insufficient sewerage capacity and low water pressure in the area. Further concerns are raised regarding the capacity of existing infrastructure to accommodate the development, including parking facilities, schools capacity while the layout would impact on existing trees and not provide an attractive frontage

52. One letter of support has also been received stating that more and much needed housing should be welcome in Sedgefield.

APPLICANT'S STATEMENT:

53. None received

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:

PLANNING CONSIDERATIONS AND ASSESSMENT

54. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, visual amenity and impact on the Conservation Area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

Principle of development

55. This application is a resubmission following a recent refusal by the local planning authority and a subsequent dismissal on appeal. The proposed scheme has not significantly changed rather it seeks to address points which were raised within the appeal decision such as providing a completed S106 legal agreement to secure affordable housing, open space provision and ecological mitigation.

56. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The SLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

57. Furthermore, paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) 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; or
 - ii) specific policies in this Framework indicate development should be restricted.

58. The application site is located outside of the residential framework of Sedgefield, where saved policy H8 of the Sedgefield Borough Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing. The site is also designated a 'Green Wedge' where policy E4 seeks to prevent built development, other than in exceptional circumstances, such as for agricultural or essential sport and recreation facilities. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.

59. Durham County Council is currently unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need for housing is yet to be fully

tested. However, despite the lack of a 5 year supply, and the guidance at para 49 of NPPF, it is not the case that every housing site should be approved. Paragraph 14 of the NPPF makes it clear that there is a “presumption in favour of sustainable development”, not any development. This being the case the sustainability and suitability of the site in other ways still needs to be carefully assessed (as the contribution of 34 (indicative) units would not be overly significant in boosting housing supply if it is concluded that the other policy matters are material).

60. Whilst the scheme draws no support from Policy H8 this considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49 and the 5 year housing land situation described above, and DCC has concluded that it is only partially consistent with NPPF. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
61. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
62. It is noted that Green Wedges are not recognised within the NPPF as a method to safeguard land. However case law indicates that green wedges may be considered NPPF-compliant. The Inspector’s report for the previous appeal on this site noted that Policy E4 was broadly consistent with paragraphs 7 and 17 of the Framework. The general aims of Policy E4 are to maintain the distinction between countryside and built up areas, to maintain a link between the two and to provide a rural setting to development. Further its role as an area of ‘landscape value’ is expressly documented in the Inspector’s comments from the adoption of the SBLP. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological interests and soils. The Green Wedge can therefore be regarded as a “valued” landscape in the sense of paragraph 109. Although the Inspector who determined the Eden Drive appeal dismissed the application of para 109 in that instance it is considered that the sites materially differ. Whilst the current application site is valued locally by the community it also has landscape and historic interest arising from its position and appearance.
63. The County Durham Plan is at Issues and Options stage there are currently no up-to-date growth requirements identified for Sedgefield. In regards to the sustainability of the site. However some consideration has been given to this issue through the Strategic Housing Land Availability Assessment (SHLAA) as part of the evidence

base to the emerging Plan. Although this assessment carries no weight as a decision making tool, it does provide a broad assessment to the overall suitability of developing the site. In this instance the site has been identified as amber (unsuitable for development) due to it being regarded as an attractive area of pastoral farmland at the entrance to the village. On this basis there are concerns regarding its development and the impact on the landscape and the setting of the conservation area. While the site is within close proximity of the existing defined local centre and the appeal inspector concluded that the impacts on the character and appearance of the area would be localised these concerns remain.

64. A draft Sedgefield Neighbourhood Plan was submitted for examination however the Examiner's report recommends deletes some of the policies in the plan, including the Built up Area Boundary policy and references to a housing number ceiling of 300 units given they were deemed to be severely restrictive. The proposal site lies outside of the built up area boundary but given the findings of the examination report very limited weight can be given to this intended policy. General references to the maintenance of the Green Wedge would remain in the plan as recommended by the Examiner, however, there would now be no policy linkage in the Neighbourhood Plan. In effect, if amended as suggested in the Examiner's report, it would support the maintenance of the Green Wedge as it is set down in the SBLP.

65. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. It also requires that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing (3 units) which is a key aspect of government policy. The site is also in close proximity of the village centre where there are good range of services and amenities to serve future residents. However the promotion of growth and development should not be at the expense of other elements of sustainable development, this includes the protection of the rural landscape and open countryside and historic environment. These issues are considered below.

Character, Landscape and Visual Impact

66. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Also to be considered is policy E4 of the local plan which seeks to safeguard green wedges that provide the setting to towns and villages. The previous appeal inspector found that this policy was broadly consistent with the paragraphs 7 and 17 of the NPPF which emphasise the need to protect and enhance the natural and built environment and to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

67. The landscape master plan submitted in support of this resubmission incorporates some design amendments which include a 5m buffer around the application boundary (secured through the S106 Agreement) and additional areas of public open space. The landscape section accept that there would be some merits in this amended design as it could in some cases reduce the potential conflicts with trees and the general prominence of development. As the application is for outline consent with all matters reserved it is not considered appropriate to focus in detail on the indicative layout. More generally however their initial objection to the scheme is maintained. The application site is a green field location and although the

surrounding landscape is not covered by any specific designation, other than a green wedge, the site is considered to positively and attractively contribute to the approach the village, helping to define its rural character. There is strong evidence of medieval rig and furrow which further adds to the landscape character and value of the field. The previous inspector for this site acknowledged that some harm would be caused to the character and appearance of the countryside through the loss of the field, with ridge and furrow earthworks, however he considered this harm would be relatively localised and limited.

68. Also of relevance to this application is the recent appeal approval at land to the south of Eden Drive (DM/15/03808/OUT). The inspector in this case found that although the appeal site had value it could not fall to be considered as a 'valued landscape' as per paragraph 109 of the NPPF. The site's inclusion within the green wedge as designated by policy E4 did not alter this conclusion. He acknowledged that *'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'* (paragraph 26 of Land to the South of Eden Drive appeal).
69. The approval of the above appeal site does have implications in terms of the site currently under determination. The approved development would entail the loss of a significant proportion of the Green Wedge (approximately 75%) identified in the local plan and the remaining undeveloped section would lie along the historic southern approach to the village. This influences how its scale and its relationship with the surrounding countryside is perceived and understood. The Inspector in the previous appeal decision for this site found that that loss of the triangular field would cause some harm to the character and appearance of the countryside but would be viewed as more a rounding off the settlement edge. He also noted that a significant area of open agricultural land would remain between the site and the A689 leaving a visual green buffer and rural approach (paragraphs 9 and 10 of appeal decision APP/X1355/W/15/3134870). In light of the recent approval the significant areas of land previously identified would not now remain. An appeal decision is also now awaited for 150 dwellings on open countryside immediately to the east of the application site. The Inspector referring to the land south of Eden Drive clearly identified that harm would be caused to the character of the appeal site as a result of the development. Furthermore, in the context of that approval it is difficult to conclude other than that these proposals would be in substantive conflict with E4; the cumulative effect of that development with this proposal would be to make that policy functionally redundant.
70. Notwithstanding the conclusions of the Inspector at the land south of Eden Drive Policy E4 retains some weight in relation to the application site. In this respect, it is considered that the development would undermine the purpose of E4 to provide a setting for Sedgefield. The site is particularly noticeable on leaving or entering Sedgefield along Stockton Road and whilst it is not formally designated as such it does have a landscape value which has arguably increased in light of the recent appeal decision. This field forms the western most edge of the penetration of the countryside into the village in this area, and this land that incorporates medieval rig and furrow resonant of its agricultural past, forms part of an attractive entrance to the village and its historic core and makes a valuable contribution to its character and The effect of the proposals on the character of the local landscape is considered to have a significant adverse effect which needs to be afforded weight in the planning balance. It is therefore still maintained that development of this site would have a significant adverse visual impact on the surrounding landscape and on the approach

to the village and fail to comply with policies E1, E4 and D5 of the Local Plan and Part 11 of the NPPF.

Heritage Impact

71. The LPA sought to assert through the previous planning refusal that the development would unreasonably and unacceptably alter the character and setting of the settlement Sedgefield and the Sedgefield Conservation Area contrary to both local and national policies. However the Inspector in considering this issue concluded that there would not be any harm to significance or setting of the conservation area.
72. Since this appeal decision The Sedgefield Conservation Area Character Appraisal (SCACA) has been formally approved (by the Head of Planning and Assets on 3rd May 2016). This is not an adopted Supplementary Planning Document (SPD) but is considered to contribute to the evidence base for decision making. The Historic England guidance on Conservation Area Designation, Appraisal and Management published in February 2016 states that, "Planning inspectors have accepted appraisals as material considerations of considerable weight in appeals whether or not they have been adopted as SPD." This document was not available to the Appeal Inspector however it is appropriate for the LPA to revisit the issue of heritage impact as part of this resubmission.
73. The Sedgefield Conservation Area was designated in May 1971 and was amended in August 1993 and again in May 2016. The special significance of the Sedgefield Conservation Area is derived primarily from its high quality collection of historic buildings including key listed landmark buildings, the attractive tree lined routes through the conservation area, and the legibility of the historic core of the settlement despite later expansion. The Inspector having visited the site did not disagree with the Council's assessment regarding the significance of the asset.
74. Sections 7 and 12 of the National Planning Policy Framework and saved policies D1, D2, D3, D5 and E18 seek to preserve the historic environment, particularly the character and appearance of Conservation Areas and should therefore be considered relevant to this application
75. The application site is a defined Green Wedge on the edge of Sedgefield, which is partially within the current settlement boundary and partially within the countryside. The site has never been developed upon and acts as a green buffer at the edge of the town, close to the historic core. This is particularly evident in panoramic views from St Edmunds Church gathered as part of the ongoing Zone of Visual Influence (ZVI) Assessment of development sites around Sedgefield which has helped to inform the amended SCACA. The importance of the transition between the historic built edge of Sedgefield and the open countryside was specifically highlighted
- "The tree lined view out of the conservation area moving eastwards along Stockton Road is significant, emphasising the rural location of the settlement and announcing the end of the historic built core and transition to open countryside"*
76. The proposed development site is considered to be an important part of the Green Wedge marking the built settlement edge and transition to open countryside surrounding Sedgefield. The interaction between the historic built core of Sedgefield and the surrounding open countryside is considered to make a strong contribution to the setting and overall significance of the designated heritage asset. The proposed development of this site for housing has therefore been consistently assessed as resulting in less than substantial harm to the conservation area. The public benefits

of the proposals should therefore be balanced against the impact on the designated heritage asset, as required by para 134 of the NPPF.

77. This transitional space and rural nature of the views out of the conservation area is specifically highlighted in the Conservation Area Appraisal. Its review has increased understanding of the special nature of the Sedgefield Conservation Area and the elements which contribute to its overall character, appearance and significance, information which was not available to the previous Inspector. He assessed the impact upon the designated conservation area and emphasised the views of the site from within the centre of the conservation area boundary and general awareness of the site. However no reference was made to the approaching views to the conservation area or interrelationship between the surrounding landscape and the historic settlement. The detailed assessment which has since been undertaken highlights the importance of this interrelationship, and is supported by photographic evidence gathered through a more recent ZVI assessment of the proposed housing sites around Sedgefield. This approach which also examines the important contribution to views out from the edge of the conservation area across to the open countryside rather than one solely and focussed only upon the limited visibility of the proposed development site from within the heart of the conservation area would be in accordance with The Historic England best practice note on Setting of Heritage Assets published in March 2015 that seeks to clarify the range of elements which are deemed to contribute to the setting of a heritage asset.

78. On this basis the Design and Conservation section would reiterate previous concerns relating to the principle of development on this site which would result in less than substantial harm to the setting of the Sedgefield Conservation Area contrary to policies D1, D2, D3, D5 and E18 of the Sedgefield Local Plan and Parts 7 and 12 of the NPPF.

79. Notwithstanding the aforementioned assessment there are general concerns about the indicative layout. It is acknowledged that this is an outline application with all matters reserved. As such the final layout would be subject to further detailed review should the application be approved. There are a number of mature trees which are of amenity value and contribute to the setting of the conservation area. Although a 5m buffer zone has been indicated there are concerns that these trees will come under pressure as a result of this development and indeed in the future as the properties are occupied. Furthermore, the areas of public open space that have been indicated on the plan could be better designed so that one larger and more valuable area of open space could be provided. Finally, the existing properties on Stockton Road positively address the street frontage in keeping with the character of the surrounding area. In light of this it is considered that the orientation of some of the plots within this scheme could be revisited.

Access and Highway Safety

80. Saved Local Plan 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. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the capacity of the existing road network and accessibility for emergency vehicles to access the site.

81. Although indicative at this stage, it is proposed that the existing field onto Beacon Lane would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is also indicated that the dwellings would be arranged

around a series of cul sacs. Subject to minor amendments the indicative layout is considered to be generally acceptable and such revisions could be agreed as part of any future reserved matters application.

82. Although the proposal falls below the thresholds requiring a Transport Statement, the applicant has submitted a statement in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme advising that the surrounding road network and the adjacent junction could adequately accommodate the likely traffic generated from the development.
83. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding the access, highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

84. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. Given the proximity of the houses to the road network it is recommended that a noise survey is undertaken to establish the existing noise climate in order that the design of the housing can incorporate noise mitigation measures if required. Subject to suppressing dust and controlling working hours through the construction phase no objections are offered by the Council's Environmental Health Unit.
85. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2040sqm across the scheme. The indicative layout indicates that the scheme incorporates such provision, in line with policy L2. Whilst a more beneficial consolidation of the proposed areas of open space across the site could be achieved as this application is outline with all matters reserved including layout there would be a further opportunity to consider this. There is also provision within the S106 to secure a financial contribution in lieu of open space should an acceptable layout not be forthcoming at the reserved matters stage.
86. The Contaminated Land Officer has assessed the available information and the historical maps. It is noted that this development constitutes a change of use to a more sensitive land use therefore a contaminated land condition should apply.

Ecology

87. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential risk of the development on protected species, namely bats. This report identifies that a bat roost was discovered in Tree 3, a mature ash, therefore it is important that this tree is retained as well as any associated flight paths are retained.
88. The Ecology Section recommends that the proposed mitigation strategy is updated to reflect the current proposal to ensure it remains relevant to this application. It is also recommended that further biodiversity improvements are incorporated into the

overall plan. Given this is an outline application they are content to see such matters conditioned. Furthermore, although the application is for outline consent and the site plan at this stage is just indicative the S106 Agreement secures a 5m buffer zone around the development to aid the protection of the identified ecological interests. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Flooding and drainage

89. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
90. In terms of the disposal of foul water, Northumbrian Water have identified that Sedgefield Sewage Treatment Works are nearing capacity with an approximate 300 dwelling headroom. Development therefore needs to be co-ordinated so that capacity is not exceeded whilst investment works take place over the coming years. No objection is therefore raised in relation to capacity as in line with their statutory duties NWL would have to provide a connection to the sewage system.
91. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered the content of the Flood Risk and Drainage Assessment the Council's Drainage Officer has raised no objection to the scheme as the content of the report is generally acceptable. Sections of it do need to be developed further however this can be subject to condition.

Other Issues

92. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey which has not identified any heritage assets apart from the rig and furrow. The archaeological section is also aware that the neighbouring fields to the east have been subject to archaeological investigation which have demonstrated there to be a significant prehistoric site. Upon review, and with knowledge of the features that exist in the field immediately adjacent to the development site it seems likely that anomalies in the geophysical survey that may have been dismissed as non-archaeological are in fact likely to be archaeological. Notwithstanding this the heritage assets are unlikely to be of greater than local or regional significance and as such do not present an absolute constraint to development. If the application is approved, in accordance with paragraph 141 of the NPPF, a condition to secure a scheme of archaeological work to investigate and record the potential prehistoric remains is required.
93. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to

produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

94. A significant number of objections have been received from local residents in addition to the Parish Council which have been addressed within the report.

The Planning Balance

95. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.

96. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the benefits of the additional housing supply albeit relatively modest in addition to the affordable housing contribution. It is also accepted that the site is relatively close and well related to existing facilities within Sedgefield and that further work to produce an appropriate housing layout could be undertaken at the reserved matters stage.

97. Nevertheless it is still considered that whilst the impacts of the development would be local in extent there would be adverse impacts on the character of the landscape on the key approach to the village and the less than substantial harm to the significance of Sedgefield Conservation Area. Recent appeal decisions and studies have not diminished these concerns and in many respects have served to highlight the relative importance and the sensitivity of the site within the local landscape.

CONCLUSION

98. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

99. In this instance it is accepted that the development would provide public benefits, the most significant of which, would be the boost that the proposal would provide to housing supply, including a mix of both market and affordable homes.

100. However, it is considered that the adverse impacts of the incursion into the countryside with significant adverse effects on the character of the local landscape together with the less than substantial harm to the significance of Sedgefield Conservation Area significantly and demonstrably outweigh the public benefits.

101. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the limited benefits of the scheme. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

The Local Planning Authority considers that the proposed development, as a result of its siting in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Sedgefield and the Sedgefield Conservation Area, contrary to

policies E4 and E18, and D1 of the Sedgefield Borough Local Plan, and paragraphs 7, 17 and parts 11 and 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.).

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Sedgefield Neighbourhood Plan
- The Sedgefield Conservation Area Character Appraisal
- Evidence Base Documents
- Statutory, internal and public consultation responses



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Planning Services

**Resubmission of refused application DM/14/02318/OUT, proposed residential development with all matters reserved (indicative 34 dwellings).
A Burnett
Land South Of Beacon Avenue,
Beacon Lane, Sedgefield
Sedgefield
Ref: DM/16/01450/OUT**

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Date
17th November 2016

Scale
Not to scale