



## County Planning Committee

**Date** Tuesday 5 June 2018  
**Time** 1.00 pm  
**Venue** Council Chamber - County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 1 May 2018 (Pages 3 - 14)
5. Applications to be determined
  - a) DM/16/00107/OUT - Land To The South Of Three Ways, Hurworth Burn Road, Trimdon Village (Pages 15 - 44)  
Outline planning permission (including means of access) for the erection of up to 138 dwellings, a Health Centre, provision of open space and associated infrastructure.
  - b) DM/18/00692/FPA - Land To The North Of 25 Copeland Row, Evenwood (Pages 45 - 58)  
Production warehouse unit and offices, access, ancillary buildings and associated development and landscaping.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### Part B

#### **Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
25 May 2018

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)  
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Hawley, I Jewell, C Kay, A Laing,  
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,  
P Taylor, M Wilkes and S Wilson

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 1 May 2018 at 1.00 pm**

**Present:**

**Councillor F Tinsley (Chairman)**

**Members of the Committee:**

Councillors A Bell, J Clare, I Jewell, C Kay, L Maddison, J Maitland, H Nicholson, G Richardson, A Shield, A Simpson, M Wilkes and S Wilson

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Laing, J Robinson and P Taylor.

**2 Substitute Members**

Councillor J Maitland as substitute Member for Councillor Laing.

**3 Declarations of Interest**

Councillor Maddison informed the Committee that she was a local Member for the first application. N Carter, Planning and Development Solicitor informed Councillor Maddison that if a local Member had an open mind about an application and had not expressed firm views one way or the other then they could take part in the decision process.

**4 Minutes**

The Minutes of the meeting held on 3 April 2018 were confirmed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/18/00431/FPA - Whitworth Park Phase 4, Spennymoor, DL16 7RQ**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 45 houses, including access and infrastructure (re-plan and substitution of house types on 230 plots (Phase 5)) (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, proposed site layout, site photograph from Lotherton Drive, view across the development site and view from Carr Street where a roundabout was proposed.

Councillor Darkes, local Member addressed the Committee to object to the application. Councillor Darkes opposed the application which sought permission for the re plan and substitution of house types on 185 plots which would result in an additional 45 dwellings up to a total of 230, which was a 25% increase and could lead to problems with residential parking. The area was saturated with new homes with permission for 1,700 already approved, yet there had been zero provision or investment in infrastructure, for example GP provision, the derelict town centre, congestion and the disappointing number of jobs created at DurhamGate over those which were anticipated. Additionally, key facilities were not located within walking distance and this was not a sustainable development. Councillor Darkes asked the Committee to refuse the application.

Councillor K Thompson, local Member addressed the Committee to object to the application. Councillor Thompson informed the Committee that profit margins had shrunk on the Whitworth Park development because Phase 1 had involved the re-siting of ancient grasslands and land had been banked. This was explained at Paragraph 95 of the officer's report. Policy H4 of the Sedgefield Borough Local Plan, which set out the housing development in the Whitworth Park area of Spennymoor, stated that this would be granted only as part of a comprehensive planning scheme to include an 18 hole golf course, but this had now disappeared from the development scheme. Councillor Thompson referred to Paragraph 7 of the report, specifically the review mechanism in the Section 106 agreement for the delivery of offsite affordable housing and informed the Committee that none as yet had been built.

The developers had bought the land at a high price and then land banked it, and were now seeking to squeeze more profit out of the development. Permission for 1700 houses had been granted in the Spennymoor area which would provide a 10-year supply for the area. Spennymoor was becoming a commuter town without any improved facilities, and if this application was approved, further Section 106 money should be provided for community facilities.

Sandra Bell addressed the Committee to object to the application. The application did not embrace sustainability, with no plans for renewable energy and the developer had not been asked to consider any. The application did not meet the target set in the 2008 Climate Change Act which proposed that 1 in 20 houses would be connected to a heat network by 2020, yet the site was suitable.

Jan Hutchinson asked why the application did not comply with NPPF 10, dealing with climate change and asked where the sustainability was from the developer. The developer had not proposed other forms of low carbon energy on other parts of the development. The developer should not expect home owners to retro-fit energy saving measures.

Councillor A Gardener of Spennymoor Town Council referred to work carried out by Dr Adams of the Durham Energy Institute into low carbon energy and the heating of homes from renewable sources. There were old mine workings beneath these proposed properties and Dr Adams had concluded that a heat network would be perfect for this site. Councillor Gardener asked that if the application was approved a restriction be added to look at low carbon homes and energy security. If this restriction was not added, Councillor Gardener requested that the application be deferred so that analysis of 3 years of energy research on the site could take place.

Mr J Ridgeon, agent for the applicant, addressed the Committee. The developer did adopt a sustainable approach to the development, for example by adopting a fabric first approach which reduced the environmental impact through construction. A community heat network was not appropriate for the development because construction had commenced and the coal authority was not supportive of it because of contamination issues. Northumbrian Water was also not supportive, and the NHBC would not provide a 10-year certificate to the development if a community heat network was proposed. The application was to provide an increased number of smaller, first-time starter homes which addressed a housing need in County Durham.

The Senior Planning Officer reminded the Committee that there was extant permission in place on the site for the developer to construct 185 dwellings. This application was to remove some of the larger proposed dwellings and construct smaller dwellings instead.

Geothermal heating was encouraged where appropriate, but there were no planning policy targets for this and no local targets in the Local Plan. The Authority could not insist the developer utilised geothermal energy.

This was an allocated site for housing development in the Local Plan and a committed site as part of a 5 year housing land supply. The viability of the development was established when planning permission for the site was first granted and this development was not over and above what was envisaged in the original Section 106 agreement.

Councillor Thompson asked, if no additional Section 106 money was requested with this application, whether more could be requested in the future. The Senior Planning Officer replied that the Section 106 contribution towards affordable housing was dependant on the viability on site, but if this increased then a contribution for offsite affordable housing would be triggered.

In response to a request from Councillor Shield, the Senior Planning Officer indicated the location of the 185 properties which had already been approved.

Councillor Maddison informed the Committee that the application did not comply with standards for water betterment and flow rates. Over the last year, an older development on the Greenways estate had experienced excessive surface water flowing to it with some drains not being able to handle the capacity of water. This had resulted in water ingress into gas pipes.

The proposed SUDS arrangement for the development was adjacent to the development and had exposed culverts, which allowed easy access to children yet contained stagnant water. Public rights of way had been breached by water from the culverts which were protected by a single wire open fence. Councillor Maddison asked that the scheme be examined as a whole to provide detailed protection.

Councillor Wilkes informed the Committee that this was an application to substitute 185 houses with 230 houses. There was a need to consider whether the new application was of good design and layout and whether it complied with policies.

The layout of the site showed it to have a main road through it with 30 properties proposed along this road, some of which had long driveways and some of which only had one parking space. This could lead to the potential for parking to take place on the road, which was a narrow estate road. This aspect of the layout of the estate did not comply with NPPF Part 7 in that it was not a good design, did not create safe and accessible environments and was not visually attractive.

The development did not meet Policy T1 of the Local Plan because reference had been made to Public Rights of Way being breached. The development also did not comply with Policies D1, the general principles for the layout and design of new developments, D2, design for people and D5, requiring layout of developments to provide a safe and attractive environment of the Local Plan. Councillor Wilkes considered the development to be of poor design and layout and not one which he could support. Councillor Wilkes moved that the application be refused. Councillor Richardson seconded refusal of the application.

Councillor A Bell referred to the Section 106 agreement offsite contribution of £150,000 and asked whether this would remain regardless of the decision of the Committee. He also asked whether the significant areas of open space at the development had been compromised.

Councillor Jewell informed the Committee that while he had listened to the issues raised by the objectors, this application appeared to reflect approval which was already in place. Paragraph 56 of the report stated that the principle of development on the site for residential purposes had been accepted previously, this application was a variation of an already approved application.

Councillor Kay agreed that the principle of the development had already been accepted and that this application was to increase the number of dwellings. Councillor Kay asked whether the square footage of the site met with housing designs and parking met standards.

Councillor Tinsley referred to previous permissions for the site which permitted the development of 506 dwellings and asked what the total number of dwellings would be if this application was approved. He also asked whether the proposed development met car parking standards.

J McGargill, Highway Development Manager conformed that the proposed development did meet parking standards. With reference to the access road through the development, this had already received approval.

The Senior Planning Officer informed the Committee that the drainage scheme achieved greenfield run-off rates and was designed to have standing water. The condition proposed for drainage for Northumbrian Water related to the layout of pipes on the estate.

The Section 106 agreement was in place and would remain, with a deed of variation to link it to the new permission. Permission was in place for 506 dwellings across the site, and with this application, 505 would be delivered, with some apartments and semi-detached properties previously being discarded. The development proposed a density of 40 dwellings per hectare, but there were areas of amenity space which were not factored into this.

Councillor Clare informed the Committee that he had listened to all arguments put to the Committee. The question for the Committee to decide was whether there were sufficient grounds to refuse the application. Parking met the County Council minimum standard. Referring to viability, this was governed by a government standard and a computer based exercise. Although Councillor Wilkes considered the proposal to be a poor design, design was a matter of opinion and it was for Members to decide whether to support the views of professionally qualified officers or the opinion of Councillor Wilkes.

With reference to flooding concerns, the existing scheme had been approved and was practical. Councillor Clare agreed there was a need for greater use of sources of sustainable energy, however the use of ground source heat and solar panels needed to be included into the developing County Durham Plan.

Councillor Tinsley asked Councillor Wilkes to detail his proposed grounds for refusal of the application. Councillor Wilkes replied that the application should be refused because it did not comply with NPPF Part 7 in that it was not a good design and did not provide a safe environment and did not comply with Policies Ti, D1, D2 and D5 of the saved Sedgefield Borough Local Plan.

The Committee voted on the **proposal** by Councillor Wilkes, **seconded** by Councillor Richardson, that the application be refused. This was **defeated**.

Acceptance of the Officer's recommendation was **moved** by Councillor Clare, **seconded** by Councillor Jewell and upon a vote being taken it was

**Resolved:**

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

**b DM/18/00478/WAS - Mount Huley Farm, Croxdale, Durham, DH6 5JX**

The Committee considered a report of the Senior Planning Officer regarding an application for an anaerobic digestion plant at Mount Huley Farm, Croxdale, Durham (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout, site elevations, view of the site entrance and view of the site.

Councillor Blakey, local Member, addressed the Committee to object to the application. The site of the proposed anaerobic digestion plant was near to the A167 which was an arterial route onto Durham City and access to it would involve heavy wagons with waste from all parts of the country turning in from and out onto the A167, which had a speed limit of 60 m.p.h.

There was already an anaerobic digestion plant within 5 miles of this site which could be seen from the site. The site was near to an area of business development, was on a gateway to Durham City used by tourists and had a Nature Reserve and SSSI within 5 miles of it.

Councillor Blakey asked how many jobs would be created as a result of this application. The design of the digester plant was poor and would be visible from the A167 and there were concerns about possible smells being produced from the plant. Councillor Blakey asked the Committee to refuse the application.

Councillor Dunn, local Member, addressed the Committee to object to the application. Paragraph 55 of the officer's report referred to the development resulting in some harmful visual and local landscape effects as a consequence of the scale of the development. The development proposed a flare stack of some 5 metres in height and other plant on site would measure some 10 metres in height, which would be visible to residents of Hett village, Bowburn, Coxhoe and Quarrington Hill.

Councillor Dunn referred to the proposed Condition 5 of the planning permission and asked whether a hedgerow would be sufficient to screen the plant and how fast this would grow. With reference to the number of public responses to the application, which were detailed at Paragraph 61 of the report, Councillor Dunn informed the Committee that very few local residents had been consulted because the majority of surrounding properties were commercial properties. However, since Croxdale and Hett Parish Council had been made aware of the application it had received a number of representations.

The anaerobic digester at Quarrington Hill was bright green in colour which made it obviously visible. Councillor Dunn welcomed that if the application was approved the applicants would need to submit details of colours and finishes so that the plant would be less visible. Councillor Dunn also suggested that if approved Condition 5 should include a requirement for planting capable of rapid growth, the movement of vehicles as detailed in the proposed Condition 12 should be restricted after 8 p.m.

or 9 p.m. rather than the proposed 11 p.m. which he considered to be too late. There should also be a Condition to prohibit the movement of HGV's through Hett village.

Councillor M McKeon, local Member, addressed the Committee to object to the application. NPPF Part 1 referred to building a strong, competitive economy and NPPF Part 3 referred to promoting economic development in rural areas. The application site was within the proximity of the DurhamGate development which had attracted businesses such as Costa Coffee, Dominoes and a family pub and there was concern that this development could be act as a deterrent to investors to the area.

While the proposed left in/left out access to the site was welcomed, more information about traffic routes to the site was needed, because HGV's might travel through Hett village as a rat run to the site. Hett and Croxdale were beautiful, peaceful villages and the impact of this development would be contrary to NPPF Parts 7, 11 and 12.

Councillor McKeon requested that the application be rejected, but if approved, consideration be given to additional conditions to screen the digester, prevent of HGV's through Hett village and limit operating times for HGV access to the site.

Mr M Ord, local resident and Member of Croxdale and Hett Parish Council addressed the Committee to object to the application. The development would have a significant visual impact on Hett and Thinford and would lead to increased traffic movements on the A167, an already busy road. The development may also have an adverse impact on house sales at a nearby development.

Mr Ord asked how vehicles on site would be monitored to ensure they switched off their engines when making deliveries. He also asked where any gas produced by the plant would go to and whether this could be a fire risk, and whether the presence of food waste on the site could lead to an increase in vermin.

Mr Hepplewhite, agent for the applicant, addressed the Committee. The statement from the applicant on the application was contained in Paragraphs 62 to 68 of the officer's report. The applicant welcomed the recommendation of officers that the application should be approved and was comfortable with the proposed conditions. Additionally, the applicant would accept a routing condition so that a rat run through Hett village was not created. The applicant had worked closely with planning officers and all national planning conditions had been satisfied. The application would have no significant adverse impact on the landscape, would produce no noise or odour nuisance and was an appropriate form of sustainable development at the site. Mr Hepplewhite asked that the Committee approve the application.

Councillor Blakey informed the Committee that the restriction of HGV's through Hett village would not be able to be policed because farm traffic used this route.

The Senior Planning Officer responded to the issues raised.

A vehicle routing condition could be placed on the permission so that there was no access for HGV's through Hett village.

The gas produced would not pose any fire risk and in the event of a fire would burn with a 'pop'. The gas flare would only operate when the export gas line was not available.

The facility did not intend to hold more waste than was needed and food waste would be stored in sealed containers in the reception building. The end product was less odorous than compost.

Referring to the hours of operation, the hours of 7 a.m. to 11 p.m. was proposed by environmental health officers who did not want the facility to operate overnight. These hours could be reduced to 9 p.m. if the Committee so decided.

Within County Durham there were three other anaerobic digester plants on farms and their buildings were not dissimilar to farm buildings.

The agent from the DurhamGate development had not raised any objection to the proposed development. Nearby businesses produced food waste and may consider it environmentally sustainable to have this facility so near.

Councillor Wilkes referred to concerns which had been expressed about the screening of the facility and asked how long it would take for the screening trees to grow and also asked the heights of the proposed buildings.

The Senior Planning Officer replied that the reception building would be 10 metres in height and the storage tanks 8 metres.

Councillor Wilkes asked what type of green landscaping would be used. The Senior Planning Officer replied that the whole site would be on a concrete base which would be sunk down and bunded. The soil bund around the site would be approximately half the height of the site and planting would take place on top of this bund. The Senior Planning Officer considered that the condition proposed on landscaping offered sufficient latitude to negotiate suitable enhancements to the planting scheme to alleviate the concerns raised by Members.

Councillor Richardson referred to a previous application for an anaerobic digester at East Hedleyhope which local people had objected to and which was refused by Committee. The applicant appealed the decision and this was upheld. Local people had expressed concern about visual impact and odours, however the digester plant was barely noticeable and there had been no problems with odour. Councillor Richardson **moved** approval of the application.

Councillor Shield referred to an anaerobic digester plant at Thomas Swan which took feedstock waste and had been the subject of excessive complaints from local residents about odour. Paragraph 59 of the report referenced that at times there was likely to be odour events which were likely to lead to increased odour and therefore potentially complaints.

Paragraph 88 of the report stated that odour levels would be within acceptable thresholds but there could still be incidents of nuisance odours. These odours were very overpowering.

Councillor Shield referred to Policy W31 in the County Durham Waste Local Plan and questioned whether this development could be accommodated safely on the highways network. Policy W33 in the Local Plan required that suitable mitigation measures were taken to ensure harmful impacts of visual intrusion were kept to an acceptable level. The two domes of the plant at Iveston were quite visible and Councillor Shield considered that the buildings associated with this application would also be visible.

Policy 36 of the Local Plan required that the waste management facilities should be fully contained within well designed buildings or structures. These were in place at the Thomas Swan facility yet problems with odours still arose.

Councillor Shield also considered the application to be contrary to NPPF Part 8 because it did not promote healthy communities. He therefore opposed the application under Policies W4, W31 and W33 of the County Durham Waste Local Plan and under NPPF Part 8 and **moved** that it be refused.

Councillor Clare informed the Committee that he had noted the worries put forward by local Members and representatives and had given these weight. Referring to visual amenity he considered that the buildings proposed were similar to those normally associated with a farm and that officers had given assurances regarding screening. The traffic generated by the development would result in 8 vehicle movements per day, 4 in and 4 out, and this extra level of traffic on a road such as the A167 was not significant, and heavy farm vehicles already accessed the existing farm. Farms generated odours in any event and the proposed digester would be completely enclosed with material stored inside buildings. These buildings would be under negative pressure so when doors were opened air would go in to the buildings rather than escape from them. The success of an anaerobic digester system depended on the quality of practice of the operators of the facility.

There was an anaerobic digester facility at Newton Aycliffe located in the middle of an industrial estate and this had not prevented companies from setting up there.

Councillor Clare considered there were no grounds for refusal of the application.

Councillor Maitland informed the Committee that she had concerns about the level of odour which may be generated depending on climatic conditions.

Councillor Kay informed the Committee that he had listened to concerns which had been expressed. This was an application for an anaerobic digester which meant that it operated without oxygen and Councillor Kay asked whether other digesters being referred to were aerobic digesters.

The Senior Planning Officer replied that the facilities at Quarrington Hill, Newton Aycliffe, High Hedleyhope and Hope House Farm were all anaerobic digesters.

Councillor Kay added that an aerobic digester at Easington had not been a success and asked the distance to the nearest residential property.

The Senior Planning Officer replied that the village of Hett was 1.3km to the north, with East Farm to the south of the site and DurhamGate to the west. Councillor Kay considered that this was an agricultural building in the countryside which needed to be in the right colour. The proposed screening would enhance and mitigate the development. This was an alternative to fossil fuels and Councillor Kay **seconded** approval of the application.

Councillor Wilkes understood the concerns of local people but struggled to see how the application could be refused and asked how defensible a refusal could be at appeal.

The Senior Planning Officer replied that he stood behind the recommendation to approve the application. The application was similar to that for High Hedleyhope which was refused by Committee but allowed on appeal.

Councillor A Bell informed the Committee that he **seconded** Councillor Shield's motion that the application be refused.

The Senior Planning Officer provided the Committee with information about the odour problems caused at the anaerobic digester at Consett. The digester took in a blend of crops and stored them on site with no reception buildings and this had caused odour issues. There was no reception building because the crops were not waste and therefore the facility was not monitored by the Environment Agency. The management of the site had been an issue with silage clamps not being operated correctly and the effluent lagoon not being constructed correctly. The Consett site was therefore quite different to that under consideration and poor management was the real issue at Consett.

Councillor Tinsley informed the Committee that the application had been moved by Councillor Richardson and seconded by Councillor Kay. The routing of HGV's by condition and operating time up to 9 p.m. would be delegated to officers in consultation with the Chair of the Committee.

Upon a vote being taken it was

**Resolved:**

- (i) That the application be approved subject to the Conditions contained in the report and
- (ii) An amendment to Condition 12 to read 9 p.m. instead of 11 p.m. and
- (iii) An additional Condition for HGV routing precise wording of which would be delegated to officers in consultation with the Chair of the Planning Committee

**c DM/18/00139/FPA - British Oxygen Co, Vigo Lane, Chester-le-Street, DH3 2RD**

The Committee considered a report of the Senior Planning Officer regarding an application for the replan of part of permission DM/16/04052/FPA comprising 99 dwellings, incorporating 27 additional dwellings, total of 230 dwellings, at Vigo Lane, Chester le Street (for copy see file of Minutes).

G Blakey, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, proposed site layout, view from Vigo Lane, housing on site and proposed.

The Senior Planning Officer informed the Committee that, following the receipt of further information, there was a need to update the proposed Condition 8 in accordance with submitted documentation.

In reply to a question from Councillor Tinsley, J McGargill confirmed that parking on the development met minimum parking standards.

Councillor Clare informed the Committee that this was a brownfield site and he considered the density of housing was reasonable. Councillor Clare **moved** approval of the application.

Councillor Wilkes supported the views of Councillor Clare and **seconded** approval of the application.

Councillor Jewell referred to Paragraph 51 of the report and the concerns raised by Durham Constabulary regarding the density of the development and likely high level of car ownership resulting in conflict. The Senior Planning Officer replied that those concerns related to an original scheme, however, small layout changes had been made to give more open vistas.

Councillor A Bell considered that this was a very attractive scheme and gave credit to the developer.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following in addition to the original planning approval:

- provision of 15% affordable housing units on site (of which 70% affordable rent and 30% discounted sale)
- £66,176 towards the provision of additional capacity at secondary schools in the Chester-Le-Street area
- £27,000 towards the provision or improvements to open space and recreation within North Lodge Electoral Division
- retain contribution of £22,000 towards off-site biodiversity improvement at Waldrige Fell SSSI.

and the conditions contained in the report, subject to Condition 8 being amended following consultation with the Chairman of the Committee.

**6 Planning Development Management Performance Summary 2017/18**

The Committee noted the planning development performance summary for 2017/18 (for copy see file of Minutes).

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/16/00107/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning permission (including means of access) for the erection of up to 138 dwellings, a Health Centre, provision of open space and associated infrastructure.
<b>NAME OF APPLICANT:</b>	Sustainably Green Regeneration Ltd
<b>ADDRESS:</b>	Land To The South Of Three Ways, Hurworth Burn Road Trimdon Village, TS29 6LX
<b>ELECTORAL DIVISION:</b>	Trimdon
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of a largely rectangular shaped parcel of land located to the eastern edge of Trimdon to the south of the County. The site extends to approximately 5.10 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 8m in a south easterly direction. The site is bound by the highway Hurworth Burn Road to the north, which beyond lies Trimdon Cemetery. Agricultural fields are located to the east while allotment gardens are sited to the south of the site. An existing field access to the north taken off Hurworth Burn Road provides vehicular access. Part of the site (1.34ha) is in the ownership of the County Council.
2. A public right of way (Footpath No.9, Trimdon) extends adjacent to the eastern boundary of the site. A second public right of way (Footpath No.30, Trimdon) crosses the north western corner of the site. There are informal pedestrian access paths extending off the site running in an east-west direction.
3. The site is located approximately 270m to the south of Charity Land Site of Special Scientific Interest (SSSI) and Captains Well Local Wildlife Site, 1330m to the north east of Fishburn Grassland SSSI and 1500m to the South east of Trimdon Limestone Quarry SSSI and Raisby Way and Trimdon Grange Local Nature Reserve. Approximately 3000m to the east of the site lies Hurworth Burn Reservoir Local Nature Reserve. Part of the northern boundary of the site forms the boundary to Trimdon Village Conservation Area with includes the Grade II Colliery Disaster Memorial in

Trimdon Cemetery (37m away) and the Grade II listed building of the Church of St. Mary Magdalene (190m away).

## The Proposal

4. This outline planning application seeks permission for the erection of up to 138 dwellings, the erection of a health centre and the provision of open space and associated infrastructure including the means of access, with all other matters reserved. An illustrative masterplan has been submitted, which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off a main distributor road. It is indicated that there would be active frontages overlooking a central area of public open space where the health centre would be located. The masterplan sets out that a landscape buffer would be created to the eastern site boundary extending up to 20-30m in width incorporating areas of public open space and S.U.D.S features. 10% of the dwellings would be offered on an affordable basis.
5. The main vehicular access to the site would be taken off Hurworth Burn Road with a protected right turn created within the carriageway, highway widening works would extend up to Horse Close Lane. A second vehicular access is proposed to be taken off Swainby Road, along with a pedestrian access.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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7. An outline planning application for the erection of up to 138 dwelling and a health centre (7/2011/0441/DM) was disposed of by the Authority in 2013.
8. An outline planning application for part of the site for the erection of 112 dwellings was refused in 2006 (Ref 7/2066/0152/DM) due the development being beyond the settlement boundaries of Trimdon, impact on the conservation area and the level of screening provided to the east.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

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 of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
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.

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

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

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

#### **LOCAL PLAN POLICY:**

The Sedgefield Borough Local Plan (SBLP) 1996

20. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
21. *Policy E11 – Safeguarding of sites of Nature Conservation Interest –* Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.
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 –* Sets out that that the character or appearance of conservation areas will be preserved or enhanced, by not normally allowing development proposals which would detract from their character and appearance and not allowing the demolition of buildings or structures. Applications are required to be supported by sufficient detail to demonstrate the impact of the proposal on such areas.
24. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Trimdon.
25. *Policy H18 – Acceptable Uses within Housing Areas.* States that facilities such as small shops, surgeries and community facilities located within housing areas will normally be granted planning permission provided compliant with other policies and appropriate in terms of scale, character and residential amenity.
26. *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.

27. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
28. *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
29. *Policy L5 – Safeguarding Areas of Open Space* sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development of new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment whether there is sufficient provision would be required
30. *Policy L16 – Health Centres and Surgeries –* Sets out that Health Centres, Doctors, Dentists and other surgeries should be located with or on the edge of town, local or village centres. They should be located close to bus stop and have level access and adequate car parking.
31. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
32. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
33. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
34. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
35. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
36. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
37. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

## RELEVANT EMERGING POLICY:

### The County Durham Plan

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

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

39. *Trimdon Parish Council* – Offer support for the proposals, though consider that more central locations should be considered for the health centre.
40. *Highways Authority* – It is advised that the proposed access arrangements to the site are broadly acceptable, this includes the proposed primary access into the site from Hurworth Burn Road including the formation a protected right turn and highway road widening up to Horse Close Lane along with the formation. The proposed secondary vehicular access onto Swainby Road is also considered broadly acceptable and necessary to serve the development. This is subject to securing final engineering details and increasing the width of the primary access road to 6.75m and the secondary access to 6.1m, to be agreed by condition.
41. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
42. *Drainage and Costal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme prior to submission of any reserved matters application.

### INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – Advise the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). It is identified that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
44. It is also advised that the NPPF, does not prevent a local planning authority from defining settlement boundaries; however these would need to be based on adequate,

up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date. As a result they can only be afforded limited weight in the decision making process.

45. Therefore, in the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted 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 and the remaining relevant saved policies of the SBLP.
46. It is identified that the site is not designated under policy L5 of the SBLP as open space but the Council's 2010 OSNA classified the site as open amenity space. SBLP policy L5 sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development representing new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment of whether there is sufficient provision for the settlement would be required.
47. *Design and Conservation* – Advise the submitted heritage statement adequately assesses the impact of the development on the historic environment. Due to the transformative nature of the scheme on this undeveloped part of the village, the scheme will cause localised harm to the setting of the conservation area as a result of the further erosion of the historic core. However this harm is assessed as being less than substantial.
48. *Landscape* – Advise that some adverse landscape and visual effects would arise contrary to relevant development plan policies. These include the potential vegetation removal to facilitate the access and required site lines. An existing tree belt screens the development site, the submitted masterplan identifies that there would be some incursion into this area and footpaths and open spaces formed. Concerns are also raised regarding the impact on the Conservation Area, particularly in relation the current rural approach into the village which would be changes, whilst there would be some loss of village green to facilitate the required highway works. Views of the development would also be achievable from within the Conservation Area.
49. *Landscape (Arboriculture)* – Advise that any detailed planning application will require an accurate survey of trees and hedgerows to inform the layout to minimise any impact on these features.
50. *School Places and Admissions Manager* – Advise that a development of 138 houses could produce an additional 42 primary pupils and 17 additional secondary pupils. It is identified that there are sufficient secondary school places however in relation to primary school places there would not sufficient space to accommodate the pupils generated from the development. Based on the Council's policy in calculating developers contributions in relation to education provision, taking into account existing surplus in the area a total of £499,902 contribution would be required to mitigate the developments.
51. *Housing Delivery* – Advise that the proposed 10% (14 units) affordable housing would comply with policy requirements and help meet an identified need. It is recommended

that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.

52. *Ecology* – Raise no objection, advising that there are no adverse impact to protected species and habitats. Advice is offered in relation to the final layout including the retention of hedgerows, with appropriate buffers and lighting to maintain foraging for bats. The detailing of the amenity areas should be designed to provide and enhance biodiversity with appropriate management strategies.
53. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is not in close proximity of any Air Quality Management Areas, however that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 AADT LDV flows and 100 AADT HDV flows. Methods for the suppression of dust and particulates should be adopted during construction.
54. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
55. *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objection recommending a conditional approach to requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents along with details of any plant on the Health Centre.
56. *Archaeology* – Have previously advised that the results of a desk top survey are sound, but this should be followed up by a geophysical survey and trial trenching. This should be undertaken before the determination of any application which sets the layout in case any remains needs to be retained in situ.
57. *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent and crossing the development site. Officers consider that opportunities for improving links public rights of way network should be secured though the consideration of the reserved matters application.
58. *Sustainable Transport* – Advise that a framework and a final travel plan should be submitted by condition.
59. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation
60. *Sustainability Team* – Summarise previous SHLAA assessment results highlighting average assessment results in respects to social and environmental determinants and poor results in respects to economic determinants. Embedded sustainability measures within the development should be conditioned.

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

61. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, Concerns are raised regarding the proposed layout whilst recognising that the application is at an outline stage. It is advised that an appropriate scheme of lighting should be developed.

#### **PUBLIC RESPONSES:**

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

## Objection

63. 13 letters of objection from local residents have been received in relation to the development as summarised below.

### *Principle/Sustainability of development*

- The development would not accord with the Sedgefield Borough Local Plan, the plan sets out that this site should be protected for heritage and open space reasons.
- The size of the development is greater than that proposed in the plan for larger villages.
- There are sufficient brownfield sites that could be developed out first, other land is available within Trimdon.
- Local infrastructure could not support the development, the nursery school is oversubscribed and others have issues with capacity.
- The development is not located within a sustainable location, there are no employment sites within the vicinity of the site and future journeys would likely be by private car.
- The proposal to build a health centre does not address the issues with funding and will likely not meet the needs of residents.
- 10% affordable housing should be required to be provided.
- The site does not integrate well with the rest of the village in relation to transport needs.
- The location of the medical centre out of the village centre will increase car trips.
- There are restrictive covenants which prevent development of part of the site.

### *Highways*

- Concerns of flooding on the road network in the vicinity of the site
- The lack of street lighting on Hurworth Burn Road is highlighted.
- The existing road network would not support the development, particularly in relation to HGV's during construction.
- Consideration should be given to upgrading the road network.
- The lack of footpaths on the road network is highlighted.
- Concerns regarding site lines achievable out of the access.

### *Residential Amenity*

- Potential impact of construction traffic on highway safety and residential amenity.
- Appropriate conditions should be attached if approval is given to limit the construction impact.
- Loss of outlook for existing residents.
- Loss in value of existing homes.
- Potential loss of access.

### *Other Issues*

- The potential for archaeological remains is highlighted.
- The potential ecological impact of the site is highlighted, some sections of the reports online have not been made available.
- Loss of a recreational facility.
- The development will have an impact of the heritage of the tranquil mediaeval village, particularly through increase traffic.
- A significant visual impact on the character of the conservation and open countryside area will arise as identified in the Councils SHLAA assessment.
- Concerns are raised regarding the loss of hedgerows on site.
- The site is green belt land.

- Impact of public footpaths in the vicinity and across the site.
- The development is a money making venture.
- The need for new housing is questioned.
- The local community is overwhelmingly against the development.
- Previous applications have been refused on site.
- The application does not show the layout and details of the development.
- Concerns over sewerage capacity.
- Concerns are raised regarding a potential increase in crime.
- The proximity of agricultural uses are highlighted and the smells generated from chicken sheds.
- The Loss of agricultural land is highlighted.

64. CPRE – Consider that the proposed development would have a significant detrimental impact on the conservation area and adjacent listed buildings and that the previous refusal reflected that. This harm must be given weight in the appropriate planning balance test.

#### Support

65. Three letters of support for the development has been received from local residents, highlighting the benefit of new housing for young families and that new developments are positive subject to concerns around highway safety being addressed.

#### APPLICANTS STATEMENT:

66. None provided.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at*

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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

#### The Principle of Development

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning

authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.

69. The SBLP was adopted in 1996 and was intended to cover the period to 2006. The NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.
70. On this basis given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
71. Relevant to this application site SBLP Policy H8 identifies the residential framework within which housing development would normally be approved, ostensibly to “balance the need for new housing whilst maintaining the character of the countryside”. The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to housing proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it is considered that SBLP Policy H8 is not applicable in this instance, and no support for the proposed development is drawn from it.
72. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
73. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development, including Policies H18 and L16 which relates to the siting of Health Centres and Surgeries. Consequently, there are no policies in the development plan against which the principle of development can be determined, and regard must be had to Paragraph 14 of the NPPF in such circumstances.
74. 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.
75. Having regard to the above, the Development Plan is considered to be silent and/or out of date with respect to this proposed development. As a result, the acceptability of

the development largely rests on planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### Five Year Housing Land Supply

76. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
77. In September 2017, the Government published a consultation document entitled *"Planning for the Right Homes in the Right Places"*, which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
78. However, the Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018). The Inspector concluded that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN, that the most appropriate measure for assessing the housing requirement is the 1,629dpa previously suggested in the County Durham Plan issues and options, as it provides the best evidence of the objectively assessed housing need for County Durham. Against this figure, the Inspector concluded that the Council has a housing land supply of 4.75 years. It is anticipated that Cabinet will be considering recommendations on OAN as part of a report on Preferred options for the County Durham Plan at its next meeting on 13<sup>th</sup> June. No date has yet been set for the Government to confirm introduction of the methodology. It is therefore considered that the Inspector's approach remains the one to follow for the time being.
79. Accordingly, the benefit of boosting housing land supply will need to be factored into the planning balance, whilst recognising that the benefits of delivering new housing would be less than if a more significant shortfall in supply existed.
80. Objections have been received regarding the development of a greenfield site and that brownfield land should be developed first. Whilst the NPPF promotes the development of brownfield land which is not of high environmental value, it does not preclude the development of greenfield sites, particularly in order to meet an identified housing need.

#### Locational Sustainability of the Site

81. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, whilst recognising that the development is located on the edge of the settlement, it is considered that the scheme would integrate itself well into the built environment of Trimdon by reinforcing and providing new pedestrian connections to the settlement and the public rights of way network.
82. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in

terms of vehicular traffic. It is recognised that the site is located on the edge of Trimdon representing a greenfield extension. However, a distance of approximately 450m is evident from the centre of the site to the village centre which provides retail options and community facilities. A distance of 735m is evident to the nearest Primary School, the nearest GP is located approximately 700m away. The walking routes into Trimdon are also on adopted well-lit highways with no significant topographical restrictions. Sedgefield and Wingate, which contain secondary schools and wider services, are located approximately 5 and 8 miles away, respectively.

83. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Trimdon is a local service centre as set out in the Council's Settlement Study 2012 acting as a localised centre containing a reasonable array of self-sustaining services. The scheme would represent a modest 3.5% increase over and above the approximate 4000 properties within Trimdon. The erection of 138 dwellings is considered to be proportionate to its role within the settlement hierarchy and the level of services provided.
84. In addition to this, the development proposed to provide a new health centre for the existing medical practice within the village which is constrained by the limited size and condition of the building. It is considered that the provision of this facility has the potential to significantly improve medical provision within the village maintaining and improving its level of sustainability. SBLP Policy L16 sets out that Health Centres and Surgeries should be located with or on the edge of town, local or village centres.
85. SBLP Policy H18 is also considered of relevance to the health centre. This policy is generally considered consistent with the NPPF. The policy states that such facilities are acceptable in principle within housing areas and it defines housing areas as those parts of settlements where the predominant land use is housing. As the application site is located outwith of the residential framework of Trimdon (defined by Policy H8) it is considered that there is a degree of conflict with the policy. However, despite this, the application site is located immediately adjacent to residential areas in Trimdon rather than detached from them.
86. Although the health centre would be located outside of the informal established centre of the village it would be within an edge of village location and remain accessible by a range of transport methods, due to the connections proposed by the development.
87. In terms of cycle access, the site performs slightly better, with services in Sedgefield a 15 minute cycle ride away. Trimdon is relatively well connected in terms of its bus service with regular bus routes (in excess of 1 per hour at times) to Sedgefield, Spennymoor, Bishop Auckland, Durham, Darlington and Middlesbrough. The closest bus stop would be located approximately 435m from the centre of the site. The proposed highway infrastructure would allow a bus route to be provided through the site should demand exist.
88. Overall, it is considered that the proposed connections, walking distances and the frequency of the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Paragraph 61 of the NPPF and SBLP Policies T1, D3, which is considered consistent the NPPF in this respect. It is also considered that the provision of additional health care facilities would improve the sustainability of the settlement and should be afforded significant weight in the planning balance, subject to a condition requiring delivery.

89. SBLP Policy E18 seeks to protect or enhance the character or appearance of conservation areas by not normally allowing development proposals which would detract from their character and appearance. This policy is considered broadly consistent with the NPPF in this respect, which sets out at Part 12, that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. These policies reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
90. The heritage assets in this instance are identified as the Trimdon Village Conservation Area bordering the northern boundary of the site and the listed buildings including the Grade II listed building of the Colliery Disaster Memorial in Trimdon Cemetery (37m to the north away) and the Grade II listed building of the Church of St. Mary Magdalene (190m away to the east). The applicant has submitted a heritage statement which appraises the impact of the development on the significance of these heritage assets.
91. In reviewing the submitted heritage assessment and considering the potential impacts of the development the Council's Design and Conservation Officer advises that the submitted heritage statement adequately assesses the impact of the development on the historic environment. It is however advised that due to the inherent transformative nature of the scheme on this undeveloped part of the village, the scheme will cause localised harm to the setting of the conservation area as a result of the further erosion of the historic core. It is also identified that the development would be visible from limited parts of the conservation area. There would also be some limited intervisibility between the development and the above identified listed buildings however due to the separation of the site and screening of existing developments it is considered that this would not impact on their setting. The visual impact of the loss of village green and the impact on the Conservation Area is also recognised. It is advised that the identified harm is assessed as being less than substantial due to the landscaping proposed mitigation and the limited indivisibility between the site and most sensitive parts of the conservation area.
92. There would, as a result, be a degree of conflict with Policy E18 of the SBLP, which sets out that normally development proposals which detract from the character, appearance and setting of conservation areas would not be allowed. Paragraph 135 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This matter needs to be considered in the planning balance set out below.
93. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. A desk based assessment of the site was submitted in support of previous applications on the site which identified that there was no known archaeological resources that would be negatively impacted on whilst noting the presence of rig and furrow on part of the site. However the assessment recommends a geophysical survey to establish the nature and extent of any archaeological resource that may be present. In reviewing this assessment the Council's Archaeology Officer advises that the geophysical survey should be carried out before the determination of this application. However on balance

given the nature of the application this work could be conditioned and undertaken before the submission of any reserved matters application which would inform the layout given the relatively low risk of significant remains being found.

## Landscape and Visual Appraisal

94. SBLP Policy E1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance of the River Wear Area and protecting landscape features. SBLP Policy D1 required developments to take account of the sites natural features and adopt appropriate landscaping. SBLP policy E15 sets out that landscape, including trees and hedgerows features should be retained in the layout of the developments. These policies are considered consistent with Parts 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Paragraph 17 of the NPPF also recognises the intrinsic character and beauty of the countryside.
95. Landscape officers advise that the development would effectively extend the built form of Trimdon to the east. The effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse, as with all developments of this nature. In deeper views from the south east, the further encroachment of built form may be noticeable within the landscape, however the general character of the view would remain similar, as the development would largely be seen against the backdrop of Trimdon.
96. The visual impact of the development would be reduced providing the existing landscape buffer to the eastern boundary is incorporated into the development and left to fully mature. The existing mature hedge line adjacent to Hurworth Burn Road is also proposed to be retained, as encouraged by SBLP Policy E15, which would help retain the green approach into the village although there would be the perception of development behind and vegetation would need to be removed to facilitate the access into the site. The existing wide verge lining Hurworth Burn Road would also need to be reduced in width to facilitate a protected right turn into the site.
97. Overall, the built form of the development would remain relatively prominent particularly from Hurworth Burn Road and in these localised views including from the PROW adjacent to the eastern boundary of the site, extending the urban character of the settlement in to the countryside, however this impact would remain localised.
98. SBLP Policies E1 and D1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance of the River Wear Area and protecting landscape features and incorporating appropriate landscaping with developments. The development would result in landscape harm, a result of the development an extension beyond the established settlement edge. However, the combined visual impact is considered localised while views of the site would largely be set against the backdrop of existing housing development, whilst indicated landscape vegetation would help to filter these views. This harm is not considered contrary to Local Plan (SBLP Policy E1) due to its localised nature, however, the impact needs to be considered within the wider planning balance.

## Loss of open space

99. SBLP policy L5 sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development representing new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an

assessment of whether there is sufficient provision for the settlement would be required.

100. SBLP policy L5 designated larger sites of open space on the Proposals Map for protection. No designation was afforded to the site under this policy though the justification to the policy explains that only the larger sites are shown on the Proposals Map and it is considered that the policy remains applicable to smaller parcels of open land. SBLP policy L5 is considered partly consistent with the NPPF, paragraph 74 of the NPPF in general seeks to protect areas of open space, however when a development is proposed an assessment is required to establish whether the land is surplus to requirements, would be replaced by better provision or the development represents alternative sports which outweigh the loss. Further to this policy 73 of the NPPF sets out that planning policies should be based on the robust and up to date assessments of need and provision for open space, recreational and sports provision. Reduced weight should be afforded to policy L5 in the decision making process.
101. The Council carried out an Open Space Needs Assessment (2010) which identified all areas of open space within the County by typology, this is considered the most up to date assessment of need and provision. In this assessment the site has been identified as Amenity Open Space. This type of open space is categorised as land which is available as spontaneous use by the public but is not managed for a specific function. In this instance there is a public right of way and unregistered footpaths/desire lines crossing the site which consist of unmanaged grassland. The site is principally used by dog walkers and members of the public accessing the wider countryside.
102. Based on the open space standards set out in the OSNA, it is identified that there is a 1.16 ha over supply of amenity open space within Trimdon. The development of this site as a whole would result in the loss of approximately 1.35 ha of amenity open space resulting in a 0.19ha shortfall. However the indicative masterplan sets out that across the development site as a whole, approximately 2 ha of open space would be provided including across the amenity open space, parks and gardens and semi natural green space typologies along with an offsite contribution for allotment, outdoor sport and play space. Taking into account the needs of the future occupiers, based on the 2010 ONSA standards, an over provision of approximately 1.1ha would be provided by the development. It is considered that this would be likely split between the amenity open space, parks and gardens and semi natural green space typologies. This would ensure that a surplus of amenity open space would be maintained within Trimdon whilst improving the provision of the parks and gardens typology to which there is an identified deficit.
103. Overall although the development of this part of the application site would result in the loss of amenity open space, open space would be provided across the development maintaining appropriate levels of provision of this typology. Based on the indicative masterplan the development would also increase the provision of other typologies of open space where there is an identified shortfall. As a result of this similar and compensatory open space provision being provided under the development it is considered that the proposals are compliant with SBLP Policy L5 and paragraph 74 of the NPPF.

#### Layout and Design

104. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall

quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.

105. In this respect the application is in an outline form, however based on the indicative master plan it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout could be achieved subject to review of a reserved matters application.
106. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning condition.
107. Overall, subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 7 and 11 of the NPPF.

#### Highway Safety and Access

108. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.
109. It is proposed that the main vehicular access to the site would be taken off Hurwoth Burn Road to the northern boundary of the site, creating a protected right turn into the site. The existing 30mph speed limit is proposed to be relocated whilst visibility splays could be laid out to retain the existing hedgerow. A secondary vehicular and pedestrian access is proposed to be created off Swainby Road linking the development into the existing settlement. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network and concluded that the development would have an acceptable impact on relevant junctions.
110. In reviewing the proposals, the Highway Authority advise that this proposed access into the site would be acceptable, subject to achieving minimum access with and the delivery of off site highway works, including the widening of the highway along part of Hurwoth Burn Road up to Horse Close Lane. It is, however, advised that a condition would need to be attached to any planning approval to agree the finer detail of the access works, provision of the visibility splays and ensure implementation. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application.
111. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network,

subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP Policy D3 and Part 4 of the NPPF in this respect.

## Residential Amenity

112. SBLP Policies D1 and D3 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
113. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances, whilst recognising their outlook would change, it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage. It is recognised that the development would increase traffic and movement down Swainsby Road and adjacent streets. However this is considered commensurate with levels of traffic in other streets within Trimdon and would not warrant refusal of the application in itself.
114. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated. It is also recommended to control any plant erected on the proposed health centre to prevent any loss of amenity for future residents.
115. Issues regarding a loss in value of existing properties are not a material planning consideration.
116. Overall, the scheme would comply with SBLP Policies D1 and D3 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents.

## Ecology

117. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located approximately 270m to the south of Charity Land Site of Special Scientific Interest (SSSI) and Captains Well Local Wildlife Site, 1330m to the north east of Fishburn Grassland SSSI and 1500m to the South east of Trimdon Limestone Quarry SSSI and Raisby Way and Trimdon Grange Local Nature Reserve. Approximately 3000m to the east of the site lies Hurworth Burn Reservoir Local Nature Reserve.
118. A phase 1 habitat survey has been submitted in support of the planning application. Subject to preserving the line of the existing hedgerow through the site and around the margins of the site, it is concluded that no species specially protected by law would be adversely affected by the proposals. Mitigation planting is proposed in the landscaped areas and areas of open space along with controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes. Subject to delivering

this mitigation and subject to further review of the reserved matters application the Council's Ecology Officer raises no objections to the application. No objections or concerns are raised in regards to the above listed statutory and locally designated sites. The development is therefore considered to conform to SBLP Policy E11 (consistent with the NPPF) and Part 11 of the NPPF in this respect.

## Flooding and Drainage

119. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
120. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to capture surface water in 1 and 100 year flood events to discharge at greenfield run off rates. The scheme also proposes the implementation of drainage channels and porous paving, would help restrict runoff to greenfield rate and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach once a layout in a reserved matters application is developed Drainage and Costal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.
121. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
122. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

## Ground conditions

123. In relation to land contamination the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 11 of the NPPF.

## Other Issues

124. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 5.10 of agricultural land. A site

specific investigation into the land classification does not accompany the application. Nor do Natural England classification maps for the North-East region identify the agricultural classification of the site.

125. In a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that even if the whole site was best and most versatile agricultural land, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
126. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. It is however advised that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 Annual Average Daily Trips (AADT) Light Duty Vehicles flows and 100 AADT Heavy Duty Vehicles flows. In this instance the development is expected to exceed these thresholds (284 LDV and 3 HDV). No further assessment on the impacts of air quality is therefore required in this instance. Methods for the suppression of dust and particulates should be adopted during construction to be secured by condition.
127. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.
128. The development would impact on areas of Village Green through the required widening of the highway up Hurworth Burn Road, which is considered necessary for the development to be considered acceptable. The protection of Village Greens is covered by separate legal legislation which the applicant would need to satisfy.

#### Planning Obligations

129. SBLP Policy H19, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
130. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
131. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
132. In this instance the indicative site layout indicates that around 2ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other indicated incidental areas

meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £182,988 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 planning obligation.

133. The School Places and Admissions Manager advises that a development of 138 houses could generate an additional 42 primary pupils and 27 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is not sufficient capacity in local primary schools to accommodate the additional pupils generated. A contribution of £499,902 is sought to extend existing provision and mitigate the developments impact in this respect. The developer has agreed to this contribution. It is advised that sufficient secondary school capacity exists in the area.
134. The Council's Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and is discussed later in this report.
135. No response has been received from the NHS in relation to GP capacity within existing facilities in the area, but it is recognised that the scheme would improve capacity in the area through the provision of a new facility.
136. Issues over restrictive covenants/right of access are considered legal matters and are not material planning considerations.

#### Planning Balance

137. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. Paragraph 134 of the NPPF is considered a restrictive policy which requires the identified less than substantial heritage harm to be considered against the public benefits for a development.

#### *Benefits*

138. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
139. Recent Case law, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. It is considered that the Council can demonstrate a supply of 4.75 years and, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.

140. The development would provide a range of house types including up to 14 affordable housing units which would meet an identified short fall within the County.
141. The development would provide new health care facilities within the village where it has been identified that the existing service provider is located in a constrained outdated premises that does not fully meet service requirements. Limited sites that are available have been identified in the village to meet this need.
142. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.

### *Adverse Impacts*

143. The development would result in less than substantial harm to Trimdon Conservation Area, by eroding the historic core of the village in conflict with Policy E18 of the SBLP. However, it is recognised that there would be a limited degree of intervisibility between the site and the most sensitive parts of the conservation area.
144. The development would result in residual landscape harm as a result of developing a greenfield site and extending built development into the countryside. Mitigation planting proposed, the retention of existing vegetation and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
145. The loss of a parcel of amenity open space would result, however appropriate levels of this typology of open space would be maintained within Trimdon, whilst the development would improve provision of other typologies and the loss of the open space is considered to be compensated for through the development.
146. Highways mitigation measures would result in the loss of some extents of grass highway verges and these are designated as village green.
147. The development would result in the loss of 5.10ha of agricultural land and potentially this could be best and most versatile agricultural land, however, even in such a scenario this level of loss is not significant.

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## **CONCLUSION**

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148. As the SBLP is silent and housing land supply policies are out of date, the presumption in favour of sustainable development is engaged. The residential development is therefore required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies indicate development should be restricted.
149. The development would conflict with Policy E18 of the SBLP, due to the impact on the character appearance and setting of conservation area. Paragraph 134 of the NPPF is considered a restrictive policy in this application which sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
150. In this instance it is considered that the public benefits of maintaining housing supply, provision of affordable housing, the provision of a new health centre and associated

economic benefits would outweigh the less than substantial harm to the conservation area.

151. In addition to the heritage harm it is identified that the development would result in residual landscape harm though developing a greenfield site and extending built development into the countryside, loss of a parcel of amenity open space, grass verge land designated as village green and potentially, result in the loss of 5.10ha of Best and Most Versatile Agricultural Land. However, for the purposes of Paragraph 14, none of this identified harm would significantly and demonstrably outweigh the recognised, social and economic benefits of new housing and the health centre. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the SBLP.
152. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contributions towards provision of open space and sporting opportunities, increasing primary school capacity and the provision of affordable housing are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.
153. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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

- 10% Affordable housing
- £182,988 towards open space and sporting provision within the Electoral Division
- £499,902 towards increasing primary school capacity in the area

and subject to the following conditions:-

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced other than remediation works and site access works.

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

2. Application for approval of reserved matters of the development 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 approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved.

*Reason: Required to be imposed 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 shall comprise a maximum of 138 dwellings.

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

4. Prior to the occupation of the 50<sup>th</sup> dwelling the health centre hereby approved shall be fully constructed and made available for occupation.

*Reason: To ensure that the benefits associated with the provision of a new health centre are delivered by the development.*

5. No development shall take place until full engineering details of the access, highway improvement works and final details of site visibility splays detailed on plan no. J048/Access-mitigation/Fig 1 Rev A have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate a minimum highway width of 6.75m. The access and highway improvement works must be completed prior to works to erect any dwelling on the site commencing and must be undertaken in accordance with the approved details.

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 4 of the National Planning Policy Framework. Required to be pre-commencement as agreement to the details of the access arrangements must be reached prior to remaining development commencing.*

6. Prior to the construction of the first dwelling hereby approved full engineering details of the access and highway improvement works detailed on plan no. J048/Access-mitigation/Fig 6 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate a minimum highway width of 6.1m and include a timetable of completion. The development shall thereafter be undertaken in accordance with the approved details and timings.

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 4 of the National Planning Policy Framework*

7. Application(s) for approval of reserved matters of the development shall be in accordance with the principles established within the illustrative Masterplan Drwg: 12-082-1002-B

*Reason: In the interests of the visual amnesty of the surrounding area, in accordance with policy E1 and D1 of the Sedgefield Borough Local Plan and part 11 of the NPPF.*

8. Notwithstanding the submitted information and the requirements of condition no. 8, application(s) for approval of reserved matters of the development shall make provision to ensure that a minimum of 6978sqm of amenity open space, 5322sqm of parks and gardens and 6978sqm of semi natural green space typologies are included. Full details of which, including the mechanism for the subsequent management and maintenance of these areas, shall be submitted to and agreed in writing prior to the occupation of the 1st dwelling. The open space areas shall be made available allowing free and unrestricted access by residents of the development upon the completion of the development.

*Reason: In order to supply sufficient amenity space for future residents and to mitigate the loss of open space in accordance with saved Policies L1, L2 and L5 of the Sedgfield Borough Local Plan and Part 8 of the National Planning Policy Framework.*

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

*Reason: In the interests of highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 4 of the National Planning Policy Framework.*

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 4 and 10 of the National Planning Policy Framework*

11. Within a period of six months of the first occupation of any part of the development a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with policy D3 and T1 of the Sedgfield Borough Local Plan and Parts 4 and 8 of the National Planning Policy Framework.*

12. Application for approval of reserved matters of the development shall include a detailed scheme for the management and disposal of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme(s) should be based upon the 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(s) 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. Details of timings for implementation
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be completed in accordance with the agreed scheme.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the National Planning Policy Framework.*

13. The development shall be carried out in accordance with the mitigation outlined within the Ecological Survey and Assessment ref 2015-109 compiled by ERAP Consultant Ecologists.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the National Planning Policy Framework.*

14. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority to include timings for implementation and a maintenance regime. The approved scheme shall thereafter be completed in accordance with the approved details.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgfield Borough Local Plan and Part 7 of the National Planning Policy Framework.*

15. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

16. No development shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.

- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

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

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

17. No development shall take place on any phase until a scheme of archaeological work in accordance with a written scheme of investigation has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- 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 sub-contractors and specialists, their responsibilities and qualifications.
- ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

The archaeological mitigation strategy for that phase shall be carried out in accordance with the approved details and timings.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

18. The development shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

#### **Pre-Commencement**

- (a) a Phase 2 Site Investigation and Risk Assessment shall be carried out for any phase before any development commences on that phase to fully and effectively

characterise the nature and extent of any land and/or groundwater contamination and its implications.

- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out for that phase. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

### **Completion**

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework. Required to be a pre-commencement condition as the site contamination investigation/mitigation must be devised prior to the development being implemented.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Sedgefield Borough Local Plan

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



 <p><b>Durham</b> County Council</p> <p><b>Planning</b></p> <p><b>Services</b></p>	<p>DM/16/00107/OUT Outline planning permission (including means of access) for the erection of up to 138 dwellings, a Health Centre, provision of open space and associated infrastructure</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> June 2018</p>	<p><b>Scale</b> Not to scale</p>

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/00692/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of production warehouse unit & offices, new access, ancillary buildings and associated development and landscaping
<b>NAME OF APPLICANT:</b>	Mr D Webster
<b>ADDRESS:</b>	Land To The North Of 25 Copeland Row Evenwood DL14 9PY
<b>ELECTORAL DIVISION:</b>	Evenwood And Barony
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site lies immediately to the north east of the existing CA Group manufacturing buildings and to the north of the terraced dwellings in Copeland Row. It currently hosts a horse gallop on a grassed field with tree planting around the perimeter, which was carried out following restoration of the site from previous opencast mining use. Land levels slope downwards from the south west to north east. Open countryside sits to the north and east.
2. The application seeks to provide a new production warehouse and offices for the CA group, which employs over 200 people and is one of the UK's leading metal roofing and cladding systems manufacturers and contractors for the industrial, commercial and public sectors. The new facilities of around 17,485 m<sup>2</sup> and associated works would enable better and more efficient working practices, thus enabling the business to remain competitive in the marketplace. The main building would have an overall height of approximately 12.5m, constructed mostly in steel cladding in a modern architectural style. A new access would be provided onto Copeland Lane, which will become the principle access to the CA site. The service yard would be located to the north east of the building. 250 additional car parking spaces are to be provided to the south of the development.
3. The application is reported to the Planning Committee as it represents major development.

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### PLANNING HISTORY

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4. There is limited planning history in relation to the application site, most relates to its former opencast mining use. An application for advertisement consent relating to

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. *NPPF Part 1 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
7. *NPPF Part 4 - Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
8. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *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.

*The above represents a summary of those policies considered most relevant in the Development Plan*

## LOCAL PLAN POLICY:

11. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
12. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
13. *Policy ENV1: Protection Of The Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
14. *Policy ECON2: Extensions to Industrial Estates:* Extensions to existing business premises and Industrial estates will be permitted where all the following criteria are satisfied A) it does not have an adverse effect on the amenity of local residents B) it does not have an adverse effect on the environmental quality of the area C) submitted details are acceptable in terms of access, layout and design; and the development is in accordance with all other Local Plan policies.
15. *Policy ECON5: Industry in the Countryside:* Outside the development limits of settlements shown on inset maps and outside land allocated as industrial sites, permission will not be given for industry/business use unless it involves the conversion of a sound rural building complying and provided it does not have an unreasonable adverse effect on the environment or amenity of local residents; and subject to complying with the criteria of Policy GD1, where relevant.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>*

## RELEVANT EMERGING POLICY:

### The County Durham Plan -

16. 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 was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court

Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

17. *Highway Authority*: No objections, but conditions should be included relating to the closure of the Copeland Road access to the existing site and the provision of 3no. electric vehicle charging points at the new premises.
18. *Northumbrian Water*: No objections provided the development is carried out in strict accordance with the submitted documents entitled "Drainage Layout Plan" and "Drainage Design". Foul water shall discharge to the existing public sewer network via a connection to manhole 9201 and the surface water shall discharge to the watercourse.
19. *Coal Authority*: No objections. The Coal Authority considers that the content and conclusions of the Desk Study and Coal Mining Risk Report (July 2018, prepared by Discovery CE Ltd) are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Further more detailed consideration of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

### **INTERNAL CONSULTEE RESPONSES:**

20. *Drainage and Coastal Protection*: No objection. The amended proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable solutions to surface water management, and ensuring the prevention of flood risk to and from the proposed development.
21. *Landscape and Trees*: No objections, some young woodland and tree belt would be removed but these are not of high sensitivity due to their age. New structure planting is proposed. A detailed landscape scheme is required via condition. Palisade fencing should ideally be placed behind planting adjacent to Copeland Lane.
22. *Design and Conservation*: No objection, there will be no direct impact on designated assets or on the setting of such within a reasonable distance from the site boundary.
23. *Environmental Health (Noise)*: The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. The development relates to a noise generating development, associated with external plant, vehicle including HGVS and forklift movements and noise break out from internal operations. The noise assessment demonstrates that the noise arising from the proposed development is unlikely to amount to a statutory nuisance. However this is based on the existing planned operation only and a number of uncertainties. Considering the low background noise level and 24hr operation there is the potential that should the operation intensify, especially during night-time hours, then impacts could arise so as to be a statutory nuisance. As such, a condition is recommended which would serve to limit any noise impact from the site requiring

adherence to specified noise levels and the submission of a validation assessment.

24. *Contaminated Land*: No objection, contaminated land condition is required relating to gas protection measures.
25. *Ecology*: No objection, there would be no significant impact on wildlife resources in the area. The application would result in a loss of biodiversity but this could be offset by the provision within the site of 2.56 ha. semi-improved neutral grassland, 0.17 ha wetland and 0.76 ha scattered scrub woodland along with an associated management plan.
26. *Sustainability*: Recommend condition for a Travel Plan.
27. *Spatial Policy*: No objections.
28. *Public Rights of Way*: No objections. Public footpath no. 14, Evenwood and Barony is directly adjacent to the north east site boundary and should remain unaffected by the proposal.
29. *Archaeology*: No objection. Historic Maps and the geotechnical report show this area to have been heavily disturbed by mining.

#### **PUBLIC RESPONSES:**

30. The application has been publicised by way of press and site notice and neighbour notification letters. Two letters of objection have been received from residents on Copeland Row. Concerns are raised about noise from HGV traffic.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>*

#### **APPLICANTS STATEMENT:**

31. The application is made following extensive pre-application discussions with officers of the Council with regard to detailed matters such as siting, noise, design and traffic safety. Accordingly the development before the planning committee addresses all planning matters and is fully compliant with the Development Plan and NPPF.
32. A great deal of effort has gone into the design process to arrive at what will be an exemplary and extremely high quality development which will raise the profile of both the company and the locality, bringing about great economic gain for the area as well as retaining long term, secure and high quality job opportunities for local people.
33. The aim of the development proposed is to improve efficiency, making the company more competitive in the market place. This progression is essential to the survival of the business, and ensures it continues to win the best contracts and maintains standing in the sector. This is important to the survival and success of the company, and all of the benefits and employment it brings to Evenwood and the surrounding areas. In designing the development however, special care has been taken to ensure that neighbours are protected, and in fact the changes

proposed will take noise emissions and traffic movements further away from them, thus improving their living conditions.

34. CA Group originated in Evenwood in 1983. Its Directors are loyal and some local to the area. It should be noted that Evenwood is not a geographically practical location for the business. However, the company places great emphasis and importance on the history of its foundation, growth, and the location of its excellent and loyal workforce. In fact it is also for this reason the business is held within an Employee Benefit Trust, encouraging staff retention and benefit to the local area. It is hoped that this will give Members of the Planning Committee some confidence that the business has local interests at the heart of its core values.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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 impact on the character and appearance of the area, residential amenity and highways.

### Policy context

36. One of the core aims of the NPPF is to proactively drive and support sustainable economic development. Paragraph 19 advises that significant weight should be placed on the need to support economic growth through the planning system.
37. Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development. It states that development that accords with the development plan shall be approved without delay and where relevant development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific NPPF policies indicate development should be restricted.
38. Because of the age of the Teesdale Local Plan its relevant policies on Employment (ECON2 and ECON5 in this case) are considered out of date insofar as they relate to the supply of industrial land. In light of this, the application is therefore to be considered against the planning balance test outlined in NPPF Paragraph 14. This means granting planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. The main considerations in this respect are detailed below.

### Impact on the character and appearance of the area

39. The development would be located on land which has been restored from former opencast mining use, immediately to the north east of the existing premises on the edge of Evenwood. Although within the countryside, the site is not covered by any local or national landscape designations, is not in productive agricultural use and makes a neutral contribution to the character of the area.
40. There would be public visibility of the development from Copeland Lane and from the public right of way to the east of the site. The scale of the development is large,

but it would be seen in the context of the existing CA site and the height of the main building would be commensurate with the existing manufacturing buildings. It would have been preferable to set the south eastern boundary fence behind planting adjacent to Copeland Lane, but this has not been possible due to operational requirements of the business.

41. The overall design is well considered and with the benefit of an extensive landscaping scheme, it should sit comfortably in its context without causing harm to the character and appearance of the area.
42. There is no conflict with the design objectives of NPPF Parts 7 and 11 and Teesdale Local Plan Policies GD1 and ENV10.

#### Impact on residential amenity

43. The nearest residential properties lie to the south of the site on Copeland Row and two letters of objection have been received from residents raising concern in relation to additional late night HGV noise over and above that which they suggest is experienced in association with the existing CA Group site.
44. The existing service yard where HGV's operate is located approximately 150 mtrs to the rear of Copeland Row. It is not currently shielded by any building and therefore there is potential given the nature of operations at the site for some noise transference. It is however noted that the Environmental Health Noise Action Team do not have any recorded complaints relating to any existing night time HGV noise.
45. The proposed site has been laid out so that the main service yard would now be located beyond the north eastern elevation of the proposed building, at the furthest point possible from the residential properties. As a result, the nearest property on Copeland Row would be over 200mtrs away from the nearest corner of the service yard, which is 50m further away than the existing arrangement. Furthermore, the new building, particularly given its substantial size and modern construction with good levels of insulation, is likely to act as a barrier to noise transference. In addition, most of the plant has been kept as far away as possible from sensitive receptors and by locating all processes within one building it would help to minimise fork-lift truck movements. The new entry point further east on Copeland Lane would mean that the majority of HGV's will not need to pass Copeland Terrace.
46. The Environmental Health Noise Action Team have nevertheless recommended a precautionary condition, which would restrict the noise that can be emitted from the site and which requests a validation check following the first use of the development. Whilst their comments are made in reference to statutory nuisance it is recognised that there can still be harm to residential amenity before it reaches statutory nuisance levels. However, the NPPG guidance on the use of conditions states that when used properly, conditions can enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. It has not been suggested by Environmental Health, or in the findings of the noise assessment, that the impacts of the development are such that there will be harmful noise impacts to the extent where permission should be refused if not mitigated. The existing operations are not subject to any restrictive conditions and have not resulted in formal noise complaints. As noted above, the new service yard and access arrangements would be further away from the existing residential properties than at present and there would be efficiencies in vehicle movements on the site. It is therefore considered that the placing of restrictive conditions and a

requirement to carry out further noise assessment do not meet the tests of necessity to allow the development to proceed, and runs contrary to the NPPF, which advises against placing unreasonable burdens and restrictions on businesses wanting to develop.

47. Taking all the above into account, it is considered that the proposal has paid sufficient regard to noise impact and there is not likely to be any significant noise and disturbance impacts. There is no conflict with Teesdale Local Plan Policy GD1 or NPPF Part 11.

## Highways

48. The replacement production facility includes the construction of a new site access and bell mouth junction with two approach lanes leading to a manned gatehouse. It also includes additional parking facilities.
49. The new access would have improved visibility and would also lead to less HGV movement along the front of Copeland Terrace. Furthermore, the new bell mouth arrangement is designed to allow HGV's to be able to pull off the highway before being processed through the entrance, which is not always the case at the existing access. Once the new facility is operational, the existing access would be closed off through locked gates and used only for emergency access.
50. The Highways Authority have confirmed that the new access is acceptable in terms of Highway safety and there is sufficient parking provision within the site.
51. There is no conflict with NPPF Part 4 or Teesdale Local Plan Policy GD1.

## Other Issues

52. The submitted ecological appraisal does not identify any significant impact on ecology interests within the site. There would be some net loss of biodiversity on the site, but this would be offset by the provision within the site of 2.56 ha. Semi-improved neutral grassland, 0.17 ha wetland and 0.76 ha scattered scrub woodland in association with a management plan. There is no objection from the Ecology Section and the measures can be secured by conditions.
53. The Council's Drainage Section and Northumbrian Water have agreed to a drainage scheme to separate surface and foul water discharge, which can be secured by a condition.
54. The Contaminated Land Section have requested further details in relation to gas protection measures because of the historic land use, but this can be adequately dealt with by condition.
55. The Sustainability Section has suggested a condition for a Travel Plan to be prepared. However, the application does not propose a net increase in employment at the site. It is therefore difficult to justify any request for a travel plan when the development would not itself put any significant additional pressure on local transport networks, or parking provision, which is well catered for within the site. Evenwood is a medium sized village with reasonable public transport access and the site is well placed for employees to access the public transport service. Such a condition would therefore fail the tests of necessity. It is also noted that the development would be sustainable in other ways with electric vehicle charging points on site and through best practice energy efficiency measures in construction, including solar wall cladding and air source heat pumps which would

result in a significant reduction in regulated energy consumption and CO<sub>2</sub> emissions of 30.5% and 22.4% respectively.

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## CONCLUSION

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56. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
57. The proposal represents a significant investment in the future of the CA Group in Evenwood, securing a large number of local jobs, developing local skills and bringing benefits to other local companies within the supply chain, as well as during the construction phase. This is wholly in accordance with the NPPF core planning principles and aims of Part 1 to secure economic growth. These substantial economic and social gains are given significant weight in the consideration of the application.
58. In environmental terms the site is not sensitive in landscape or ecology terms and whilst there would be a significant change in the character of the site, it would not be harmful. Landscaping and habitat creation would compensate appropriately for that lost through the development. The proposal has been well considered in its layout, access and serving arrangements to avoid conflict with nearby residential properties. It is also acceptable in highway safety and drainage terms. These are mostly neutral impacts, although there would be some improvements to existing access and servicing arrangements.
59. Having considered all matters, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, and there are no specific policies in the NPPF that indicate development should be restricted. The proposal therefore benefits from the presumption in favour of sustainable development.

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## RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

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

Site Sections P104 rec 06<sup>th</sup> March 2018”  
Elevations P105”  
Office Sections P106”  
Production Warehouse Ground Floor Plan P107”  
Production Warehouse Offices Roof Plan P108”  
Office Floor Plans P109”  
Gatehouse Plans and Elevations P110”

Signage and Display Panels P111”  
External Store Buildings P112”  
Swept Path Drawing”  
Site Levels DR-C P600”  
Drainage Catchment Area DR-C-P305”  
External Lighting Layout E500 - P2”  
Baseline Lighting Survey NJD Environmental Associates”  
Design and Access Statement”  
Coal Mining Assessment Discovery CE Limited”  
External Lighting Impact Assessment Rev P2”  
Flood Risk Assessment by BE Design”  
Planning Design and Access Statement”  
Construction Management Plan Goodrich Consulting LLP”  
Sustainability Statement Rev P2”  
Transport Statement by BE Design”  
Utility Report Rev P1”  
Environmental Noise Assessment SGS Ltd”  
Location Site Plan P102 REV L rec 25<sup>th</sup> April 2018  
Site Plan 17-075 P103 REV L”  
Drainage Layout - ref: NWK 170064-BED00-00-DR-C-P300 Rev A  
Drainage design Philosophy – Ref: NWK 170064 REV A rec 25<sup>th</sup> April 2018  
Cycle Shelter Detail rec 02<sup>nd</sup> May 2018  
Preliminary Ecological Appraisal, Middlemarch Environmental December 2017 and  
addendum report May 2018 rec. 06<sup>th</sup> March & 14<sup>th</sup> May 2018.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 1, 4, 7, 10 and 11 and Teesdale Local Plan Policies GD1, ENV1, ECON2 and ECON5.

3. No development shall commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b or c are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. As gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

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

(c) Upon completion of the remedial works, 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

4. The development shall be implemented in accordance with the drainage scheme contained within the submitted documents entitled "Drainage Layout Plan" and "Drainage Design" dated "28th February 2018". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 9201 and ensure that surface water discharges to the existing watercourse.

*Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

5. Within 6 months of the first use of the development, the existing western vehicle access shall be closed and gated and shall thereafter be used only for access by emergency vehicles.

*Reason: In the interests of highway safety having regards to Policy GD1 of the Teesdale Local Plan.*

6. A minimum of 3 electric vehicle charging points shall be provided within the site prior to first use of the development hereby approved and shall thereafter be available for use at the site for the lifetime of the development.

*Reason: In the interests of assisting in the use of sustainable transport methods in line with the NPPF.*

7. Other than preparatory ground works, or investigations, no development shall commence until a detailed landscaping scheme to include but not limited to details of trees to be retained and provision on the site of semi-improved neutral grassland, wetland and woodland, as detailed within Middlemarch addendum report, along with an associated plan for its management in perpetuity, has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of planting species, sizes, layout, and numbers of planting.

*Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan.*

8. All works in the approved details of landscaping shall be carried out in the first available planting season following the first use of the development and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Replacements shall be subject to the same requirements.

*Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan.*

9. Other than preparatory ground works, or investigations, no development shall commence until all trees scheduled for retention in the approved landscaping details have been protected by the erection of fencing that complies with BS 5837 (Trees in relation to design, demolition and construction – recommendations). The tree protection shall be retained throughout the construction period unless otherwise agreed in writing by the local planning authority.

*Reason: To protect the boundary trees and hedges from construction damage in the interests of visual amenity in accordance with Teesdale Local Plan Policy GD1.*

10. The development shall take place in accordance with the avoidance and mitigation strategy detailed within Preliminary Ecological Appraisal, Middlemarch Environmental December 2017 and addendum report May 2018.

*Reason: To ensure no net loss in biodiversity in accordance with Policy ENV8 of the Teesdale Local Plan and NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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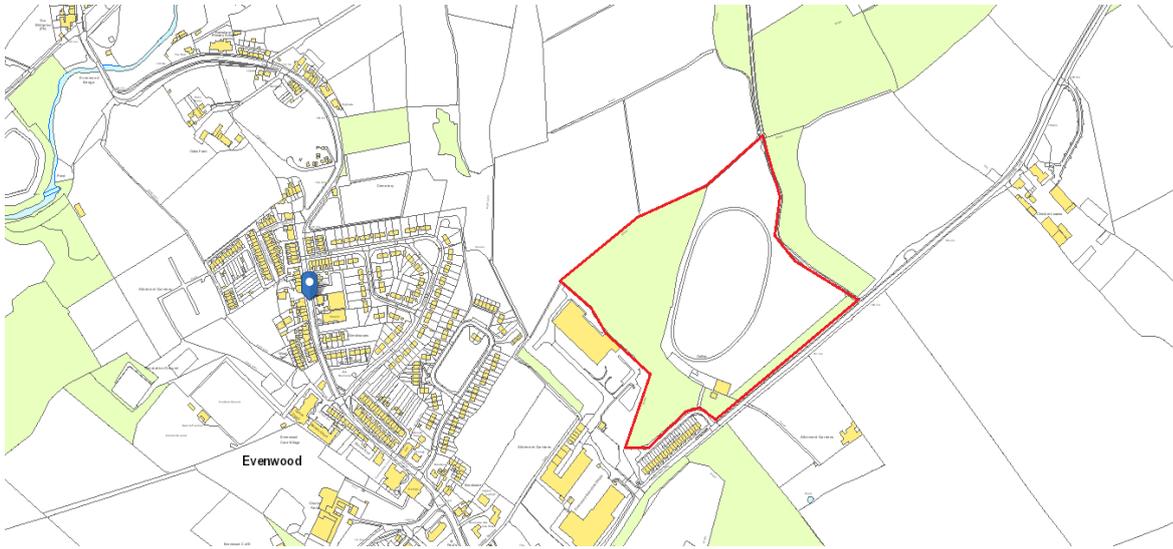
In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way within the advised timescale to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Teesdale Local Plan  
All consultation responses received



**Planning Services**

Production warehouse unit & offices,  
access, ancillary buildings and  
associated development and  
landscaping

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05<sup>th</sup> June 2018

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