



Area Planning Committee (South and West)

Date Thursday 22 November 2018
Time 2.00 pm
Venue Council Chamber, Spennymoor - Council Offices,
Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 18 October 2018 (Pages 3 - 6)
5. Applications to be determined
 - a) DM/18/00034/OUT - Land To The East Of Greenfields, Salters Lane, Trimdon (Pages 7 - 28)
Outline planning application for up to 50 dwellings (40 shown on indicative plans) with all matters reserved except access
 - b) DM/17/01436/FPA - Land To The North Of Middridge Road, Newton Aycliffe (Pages 29 - 60)
Erection of 72 no. dwellings (previously 69) including access, landscaping and associated infrastructure (revised description 21/09/2018)
 - c) DM/18/00115/OUT - West Tees Ltd, Gordon Lane, Ramshaw, Bishop Auckland (Pages 61 - 72)
Demolition of existing building and residential development (outline) 16 dwellings all matters reserved except access
6. Performance Summary for Planning Committees Q1-Q2 2018-19 (Pages 73 - 76)
7. 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
14 November 2018

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)
Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,
K Liddell, J Maitland, M McGaun, G Richardson, J Shuttleworth,
L Taylor, K Thompson, F Tinsley and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 18 October 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, J Clare (Vice-Chairman), E Huntington, J Maitland, M McGaun, G Richardson, J Shuttleworth and K Thompson

1 Apologies

Apologies for absence were received from Councillors L Brown, J Chaplow, K Liddell, L Taylor, F Tinsley and S Zair.

2 Substitute Members

Councillor O Temple substituted for Councillor L Brown.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 20 September 2018 were agreed as a correct record and signed by the Chairman.

5 DM/17/03751/OUT - Land to The West of Bridgewater Arms, Winston

The Committee considered a report of the Senior Planning Officer with regards to application for 16 no. dwellings all matters reserved, at Land to the West of the Bridgewater Arms, Winston (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

Parish Councillor J Cook, Winston Parish Council, supported the Officers recommendation. He advised that part of the land included in the plan and proposed as the new access road, did not belong to the applicant. The Parish Council had submitted a retrospective application to claim ownership of the land, having maintained it as a rose bed for 20 years, but there had not been enough evidence to support the application. He referred to other ownership issues relating

to a parcel of land adjacent to the Horse Chestnut Tree, part of which was owned by the Council, but also included within the site boundary. The only access which was owned by the applicant was the field gate, which had recently been removed, along with some fencing. Trees would be lost as a result of this development, which currently screened the village from the main road and acted as a visual attribute.

Councillor Cook referred to a high flood risk and insufficient drainage. The area was prone to flooding, and with only a small culvert beneath the road, was incapable of dealing with excess water. The development would only exacerbate further. The surface water report did not provide any details with regards to the excessive run off which would be created by the development and finally he referred to climate change, which could lead to an increase in the frequency and intensity of flooding.

Councillor Atkinson queried ownership of land which was not registered at the Land Registry and the Solicitor confirmed that the applicant had a duty to certify ownership or serve notice on the owner - if this was not completed, it could impact on the validity of the application.

The Senior Planning Officer confirmed that the applicant had completed a certificate which detailed ownership of the site and served the appropriate notice for other land in question.

Councillor Richardson confirmed that the site was within his electoral division and he would usually support development in the countryside, but not in this case. He moved the recommendation for refusal as outlined in the report and it was seconded by Councillor Shuttleworth.

Councillor Maitland queried whether the maintenance of land over a period of 20 years was sufficient to claim ownership. The Solicitor confirmed that land maintenance did not always quantify for registration of ownership, however he reminded Members of their role to determine what was appropriate land use.

Councillor Thompson did not consider the issue of land ownership to be within the remit of the Committee and it was;

Resolved:

That the application be **REFUSED** for the reasons outlined in the report.

6 DM/17/04028/OUT - Land At Holme Farm, Toft Hill, Bishop Auckland

The Committee considered a report of the Senior Planning Officer with regards to application for residential development (up to a maximum of 22 dwellings), including access, with all other matters reserved at Land at Holme Farm, Toft Hill, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

Councillor H Smith, Local Member, addressed the Committee in objection to the proposal. The report had been summarised well by the Senior Planning Officer; this was the third application, the first and second had been refused for 100 and then 50 houses respectively. The first application was refused and the decision appealed, but this was dismissed by the Planning Inspectorate. Although it had been reduced even further for this application, building in this area would still have significant detrimental effect on the rural landscape, as emphasised by the Planning Inspector in his reasons for the decision.

Councillor Smith advised that there was little infrastructure in Toft Hill and it was already saturated. The local primary school was at full capacity, there was little or no public transport, the GP Surgery was unable to offer appointments, there were no shops and therefore car use was almost mandatory. The development would result in the loss of a layby used by residents for parking and considerably increase parking congestion and despite the scaling down of the development it would still have adverse effects on the highway.

Councillor Smith was unaware of any residents in Toft Hill or Etherley who were in support of the application. Although the applicants statement referred to the provision of 'much needed' housing, she advised the Committee of instances when up to 30 houses across both villages had been for sale at one time, some of which had been on the market for long periods of time. Finally Councillor Smith hoped that the Committee would agree with the Officer's recommendation and refuse the application.

Mr Todd addressed the Committee and confirmed he was a local resident who had developed two miners' cottages which were now rented out. His concerns related to the increased flood risk should the application be approved. He referred to the flooding across the Country in 2015 which had not affected the two properties, however he was concerned that with an increase on the drainage system, they would be affected if it was to happen again.

In response to a request from Councillor Clare, the Senior Planning Officer reassured Mr Todd that if an application for outline permission was approved, there was a strategy in place which ensured a full drainage scheme was detailed following receipt of a reserved matters application.

Councillor Richardson was unable to support this development and moved the recommendation to refuse the application. It was seconded by Councillor Shuttleworth.

Councillor Temple referred to the reference in the report to an appeal decision on 10 May 2018 and the Councils reliance on the Government proposed standardised methodology to demonstrate their position on the five-year housing land supply. He referred to a more recent appeal on 5 June 2018 in which the Planning Inspector had concluded that the Council could not demonstrate a five-year supply of

deliverable housing sites as the methodology used by the Council had not been established in an adopted plan. Councillor Temple queried whether the more latest appeal decision should be referenced in the report and queried whether the Officer was confident in his reliance on alternative reasons for the recommendation.

The Senior Planning Officer confirmed that the site encroached into the countryside and he was confident that the significant adverse landscape effect along with the detrimental impact on highway safety, were sound reasons for refusal. The impact on the landscape outweighed the housing benefit regardless of the five-year housing supply figure. With regards to the housing supply figure, the statistics would be updated annually, starting in July 2019. He confirmed that the Council were confident that there was a six-year housing land supply at this time, but reiterated that this was not a reason relied on for this application.

The Solicitor added that the Council was conscious of the Planning Inspectorate's decision in June 2018, but disagreed with their reasoning and although future reports would still make reference to the housing land supply, in this case the Planning Officer had demonstrated alternative reasons for refusal.

Resolved:

That the application be **REFUSED** for the reasons outlined in the report.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00034/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for up to 50 dwellings (40 shown on indicative plans) with all matters reserved except access
NAME OF APPLICANT:	Mr R Valks
ADDRESS:	Land To The East Of Greenfields, Salters Lane, Trimdon
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a roughly triangular shaped parcel of land located on the northern edge of Trimdon. The site extends to approximately 1.25ha and comprises agricultural fields. There is a level change across the site with the land falling away to the north. Trees and hedgerows are present along the site boundaries.
2. A public right of way (PROW) (Footpath No.s 2 and 3 (Trimdon)) runs alongside and within the site's southern and south-western boundaries. The site is also bordered on these boundaries by residential properties with the main village. To the west the site is partially bounded by Salters Lane and to the north and east lie agricultural fields. Trimdon Grange lies further to the north and there is approximately 850m between the main settlement edges.
3. The site is located approximately 530m to the west of Charity Land Site of Special Scientific Interest (SSSI) and 440m from Captains Well Local Wildlife Site. Raisby Way and Trimdon Grange Local Nature Reserve lies approximately 800m to the north west of the site. The southern boundary partially adjoins Trimdon Village Conservation Area with the Grade II Listed Trimdon Hall and Hall Farmhouse located 55m to the south of the site. There are no landscape designation within or adjacent to the site.

The Proposal

4. The application seeks outline planning permission for up to 50 dwellings with all matters reserved except access. Access into the site would be taken from St Cuthbert's Crescent.

5. The outline application is accompanied by a concept masterplan showing an indicative site layout and design concepts for 40 units (although it should be noted that up to 50 units have been applied for). The plan shows a mixture of terraced, semi-detached and detached 2, 3 and 4 bedroomed homes. The plan indicate that amenity open space would be provided including SuDs features and that existing hedgerows and public rights of way would be retained and enhanced.
6. The application is being reported to the Planning Committee as it constitutes a major residential development proposal.

PLANNING HISTORY

7. There is no relevant site history relating to application site.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development principles for plan-making and decision-taking is outlined.
11. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

13. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite.

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

22. *Policy E1 – Landscape Protection and Enhancement.* Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
23. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
24. *Policy E15 – Safeguarding woodlands, trees and hedgerows –* Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
25. *Policy E18 – Preservation and Enhancement of Conservation Areas.* Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
26. *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.
27. *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.
28. *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.
29. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to benchmark provision.
30. *Policy L2 -Open Space in New Housing Development -* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.

31. *Policy L9 - Footpaths, Cycleways and Bridleways in the Countryside.* The council will seek to promote the provision of a safe, attractive and convenient network of footpath, cycleway and bridleway routes
32. *Policy D1 – General Principles for the layout and design of new developments –* Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
33. *Policy D2 – Design for people –* Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
34. *Policy D3 - Design for access -* Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
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 –* states that the Council will normally expect new developments to meet servicing requirements, and to offset costs imposed by the development upon the local community.
37. *Policy D9 – Art in the Environment –* seeks to encourage the incorporation of artistic elements in development schemes.

EMERGING PLAN:

The County Durham Plan

38. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Trimdon Parish Council –* Object to the development on the basis that it lies outside the settlement limits for the village. Whilst the Parish are not averse to new development, recognising that it can help the local community to grow and thrive and having already supported two recent proposals in the area, the location of this particular application is not acceptable.
40. *Highway Authority –* No objection. The access arrangements into the site off St. Cuthbert's Crescent are acceptable. A condition is however required to ensure a

scheme comes forward to prevent vehicles from waiting and parking on St Cuthbert's Crescent close to the junction with Front Street South.

41. *Northumbrian Water Limited* – No objection to the development provided that a condition relating to foul and surface water drainage is imposed.
42. *Drainage and Coastal Protection* – Raise no objections to the outline drainage strategy contained within the Flood Risk and Drainage Assessment

INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – The site is situated beyond the residential framework for Trimdon Village so this proposal draws no support from SBLP Policy H8. 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 it can only be afforded limited weight in the decision making process. The application should be subject to the planning balance exercise outlined in Paragraph 11 of the NPPF. The potential impact on the conservation area will also be a key consideration.
44. *Landscape* – The proposed development would have significant, negative, landscape and visual effects. It would introduce an urban element into a high value rural landscape that would reduce the separation between the villages of Trimdon and Trimdon Grange.
45. *Landscape (Arboriculture)* – No arboricultural objection, providing the Arboriculture Impact Assessment is adhered to and further clarification is sought with regard to the impact to T8
46. *Archaeology* - The results of the geophysical survey clearly identified a series of anomalies which are likely to indicate the presence of a small Iron Age or Romano-British farmstead. These results should be tested through a programme of trial trenching with the outcomes submitted to inform any reserved matters and allow for further mitigation to be factored into the development timescales. No objection is raised subject to the imposition of conditions to secure this work.
47. *Design and Conservation* – The principle of development is considered to be unacceptable as the proposed development would result in less than substantial harm to the significance of Trimdon Conservation Area in conflict with Sedgfield Local Plan Policy E18 and having regards to paragraph 196 of the NPPF.
48. *Ecology* – No objections subject to the imposition of conditions
49. *Environment, Health and Consumer Protection (Pollution Control)* – Offer no objections, subject to a condition relating to the submission of a detailed acoustic report on the existing noise climate at the development site to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise.
50. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
51. *Public Rights of Way* – No objection subject to a contribution of £49,000 being secured to improve the PROW network within and adjacent to the site.
52. *Housing* – No objections. Identify that 10% affordable housing should be provided on the site with an appropriate mix of affordable (social) rent and intermediate tenure.

53. *School Places Manager* –The development is likely to generate a requirement for 15 primary and 6 secondary pupil places. There is currently no capacity at Sedgefield Community College or the local primary schools. Consequently, a contribution of £99,264 and £220,545 would be required to provide additional capacity for primary and secondary school pupils respectively.

EXTERNAL CONSULTEE RESPONSES:

54. *Dales, Easington and Sedgefield Clinical Commissioning Group* – Has submitted comments indicating that the Skerne Medical Practice which operates in Trimdon and Sedgefield is already operating 10% below recommended space levels for their practice population. The additional housing proposed will place further strain on the existing facilities therefore a financial contribution of £34,500 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective.
55. *Police Architectural Liaison Officer* – The crime risk assessment for this proposed development is considered to be low. Whilst there are no issues with the concept master plan for 40 houses this may change if the numbers are increased to 50.
56. *Ramblers Association* – No objection

PUBLIC RESPONSES:

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

Objection

58. 49 letters have been received from 47 neighbouring properties objecting to the proposal. The main concerns are summarised as follows:

Objection

Principle of development

- Coalescence between the settlements of Trimdon Village and Trimdon Grange
- This is a greenfield site outside the settlement limits
- There are other approvals (DM/15/01714/OUT – 30 dwellings) and pending applications (DM/16/00107/OUT – 138 dwellings) in the area. Trimdon doesn't need further houses
- Query whether the site represents a sustainable location for development given the overall number of houses proposed and the lack of local amenities. This results in a need to travel outside the village to access services and local bus services are poor meaning there is a reliance on having a private motor vehicle.
- That this is greenbelt land and cannot be built on

Highway Safety and Access

- Concerned that the proposed access arrangements are not capable of accommodating the additional traffic associated with 50 new dwellings.
- Due to the sharp turn in St Cuthbert's Crescent and narrow road the highway is only suitable for single way traffic. Query how larger vehicles (refuse vehicles) would gain access especially with the steep gradient.
- Cars park at the entrance to St Cuthbert's Crescent therefore visibility onto Front Street South is compromised
- The arrangements would not result in a safe access

- Concerns regarding the impact to the PROW which crosses the site.

Other concerns

- The impact of the development on the conservation area and listed buildings within it. The northern edge of the CA and this open relationship with the countryside contributes significantly to its setting.
- Development would represent an incursion into the countryside. It would not represent a natural extension to the village as new development has typically taken place to the south of the CA
- Adverse impact on the character and appearance of the area/village
- Adverse impact to residential amenity through overshadowing, loss of light, overbearing impact and disturbance through increased traffic movements
- Impact on flooding and drainage
- The strains the development would have on the existing GP practice and local schools
- Impact that the development would have on wildlife and habitats. Site is close to a SSSI
- Loss of views of the countryside

59. *Campaign to Protect Rural England* – The development lies outside the settlement limits for Trimdon therefore conflicts with policies H8 and H11. Consider the proposed development would have a detrimental impact on the CA. The proposed access route is not considered to be of an appropriate width. The Council are able to demonstrate a 5YHLS and there is no justification for justifying departure from the SBLP Policies. The proposal would result in adverse landscape harm and impact to the CA so should be refused.

Support

60. One letter of support has been received from a local resident highlighting that new housing should help to retain the existing facilities the village has and reverse the decline over recent years.

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

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

APPLICANTS STATEMENT:

61. The detailed landscape and ecology works demonstrate that there will be a net benefit in those terms following the implementation of this housing scheme. Durham County has at best just over a five year housing land supply, probably less, so more sites do need to be brought on-stream. The large house-builders have failed the system and only build at the rates that they want to build - this is a private site owned by a farmer. The applicant is willing to accede to the s106 planning obligations payments that the Council have requested - which will bring much needed funds into a variety of Council departments. There are a LOT of benefits with regards this scheme - which is well screened and on the edge of an existing settlement. The only dis-benefits are the loss of some low grade agricultural land - which has to happen all over the County to meet the projected housing demand. This site is in a less fashionable area, and spreads housing across the County in places which could do with the 'leg-up' to assist with the opening / keeping open of shops, services, facilities and the maintenance of bus routes. There are more benefits than adverse impacts, and the adverse impacts are compensated for by the boundary planting, the public open provision on site, the s106

payments and the new houses which will be brought into this part of the County; and that is why it is requested this development is approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, heritage impact, impact on the character of the surrounding area, layout and design, highway safety and access, residential amenity, ecology, infrastructure and open space provision, affordable housing, flood risk and drainage and other matters.

The Principle of the Development

The Development Plan

63. 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. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.

The NPPF

64. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Five Year Housing Land Supply

65. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
66. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old, and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
67. The Council's position on 5-year housing land supply was publicly tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the Council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.
68. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

69. The application site is located outside of the residential framework of Trimdon, where saved policy H8 of the Sedgefield Borough Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing. The development of this site for housing would therefore conflict with saved policy H8 of the Sedgefield Borough Local Plan in this respect. It is clear that the policy is, in NPPF Paragraph 11 terms, one of the most important policies for determining the application.
70. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to the policies reduced as a result. Paragraph 213 of the NPPF states that out-of-date policies should not be considered irrelevant in the determination of a planning application, with the amount of weight attributed to each policy in the decision making process being in accordance with their level of consistency with the NPPF.
71. Policy H8 is considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection. Accordingly, it is considered that while out-of-date, moderate weight

can be afforded to this Policy in accordance with Paragraph 213 of the NPPF and also, Paragraph 11 NPPF is engaged.

Conclusion on the Principle of the Development

72. The proposed development draws no support from SBLP Policy H8 and whilst the age of the evidence base upon which this policy is reliant renders the policy out of date, it's relative consistency with the NPPF means that some weight can still be afforded to it. However, as relevant policies for the supply of housing within the SBLP are out-of-date, in accordance with Paragraph 11 of the NPPF, planning permission should be granted unless policies that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Locational Sustainability of the Site

73. In assessing the suitability of this site for housing a key consideration is how well it relates to the existing settlement pattern and form and whether development would have acceptable impacts (in relation to landscape, achieving sustainable development etc.). The application site forms part of a larger parcel of land which has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 7/TV/111) has an unsuitable (amber) classification on account that it is prominent in the landscape and development would have a significant adverse landscape and visual impact. Developing a smaller portion of the site (similar to the site area proposed as part of this application) would still have a detrimental impact on the Conservation Area. Concerns were also raised that highway access would not be achievable. There are two other sites in Trimdon which have suitable (green) ratings for which applications are pending. These relate to a reserved matters application for 27 dwellings at land to the south of Broadway Avenue (DM/18/01230/RM – SHLAA ref. 7/TV/070) and an outline application for the erection of up to 138 dwellings, a Health Centre, provision of open space and associated infrastructure at land to the south of Three Ways, Hurworth Burn Road (DM/16/00107/OUT – SHLAA ref. 7/TV/071 (green) and 7/TV/085 (amber)).
74. The County Durham Settlement Study 2018 is an evidence based document which rates Trimdon as having a settlement score of 35.1. Based on this score Trimdon would be as a lower order settlement on account of the more limited number and range of services it possesses. Trimdon does however benefit from facilities such as a village hall, public houses, a restaurant, two churches, a children's play area, a local COOP and primary school and therefore is relatively well serviced. Nevertheless, future occupants would need to travel outside the village to access wider shopping, secondary school and employment opportunities. The services it does possess are typically located in more central and eastern areas of the village some distance from the development site. Distances would be within the preferred maximum walking distance (1200m) suggested by The Institution of Highway Engineers (IHE) in their document "Providing for Journeys". Other sites in Trimdon would be considered to perform more favourably in terms of locational sustainability and the village's housing needs could be met by these sites.
75. The site would be well connected in terms of its bus service with regular buses to Sedgfield, Spennymoor, Bishop Auckland, Durham, Darlington and Middlesbrough. The closest bus stop would be located approximately 430m from the furthest corner of the site.
76. Overall, it is considered that the site has access to a number of services and facilities, adequate to serve the development proposed and that these are within relatively easy

reach of the site. No objections are therefore raised having regards to the locational sustainability of the site. Notwithstanding this it is considered that there are more preferable sites within Trimdon in terms of their relationship to the village. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land.

77. In conclusion, it is considered that in view of walking distances and the availability of established bus services future residents would have alternative options to the private motor car to access to services and amenities. The proposal would therefore accord with Paragraph 108 of the NPPF and Policies D1, D2 and D8 of the SBLP (consistent) in this respect.

Heritage Impact

78. 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, which sets out at Part 16 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. This also reflects 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.
79. The heritage assets in this instance are identified as the Trimdon Village Conservation Area partially bordering the southern boundary of the site and the Grade II listed Trindon Hall and Hall Farmhouse (some 50m to the south/south east). The applicant has submitted a heritage statement which appraises the impact of the development on the significance of these heritage assets.
80. Trimdon Conservation Area, designated in 1993 in recognition of the historic importance of the village, centres around the designated village green which dates back to the medieval period. The character and setting of the CA is moulded by the area's distinct topography in which historic buildings surround the elevated church. Whilst the village is still legible as a medieval settlement the surrounding countryside has seen extensive development through the substantial expansion of Trimdon south and westwards with large scale housing development. This has undermined the setting of the CA resulting in it being placed on the national Heritage at Risk register. It is therefore important that further developments which erode the setting of the historic village are not permitted so that the village remains legible as a historic settlement and does not become even more subsumed into a larger urban settlement. In this regard the northern edge of the boundary and views northwards across the landscape have been retained, and this open relationship with the surrounding landscape contributes significantly to the setting of the conservation area. It is this element of the significance of the designated asset which would be most directly affected and harmed by the proposal. The application proposes built development to the northern boundary, directly adjacent to the conservation area, which would have a transformative impact on this undeveloped part of the village. The scheme would therefore cause harm to the setting of the conservation area as a result of the further erosion of the historic core. The identified harm is assessed as being less than substantial.
81. The proposal also lies within close proximity to the Grade II Listed Trimdon Hall and Hall Farmhouse. It is not considered that the proposed development would impact on

the setting of the listed building given it is surrounded by more modern development (Hall Farm Court).

82. There would, as a result, be 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 196 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.
83. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. A geophysical survey has been submitted in support of the application the results of which clearly identify a series of anomalies which are likely to indicate the presence of a small Iron Age or Romano-British farmstead. The Council's Archaeologist has advised that these results should be tested through a programme of trial trenching with the results submitted to inform the reserved matters thus allowing for further mitigation to be factored into the development timescales. No objection is raised subject to the imposition of conditions to secure this work. The proposal is therefore considered to comply Paragraph 189 of the NPPF.

Impact on the character of the surrounding area

84. 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. Policy E15 seeks to avoid the loss of trees and hedgerows on site. 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. This is reflected in Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is therefore considered that full weight can be afforded to aforementioned SBLP Policies due to their compliance with the NPPF in this respect. Therefore, the key policy consideration in this case is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, and whether it represents good design.
85. The Landscape officers note that the site lies within a Landscape Conservation Area where there is a strategy of 'Conserve and Restore' as defined in the Durham Landscape Strategy, although it is not within any nationally or locally designated landscapes. The site is a green field which benefits from some mature tree and hedgerow planting. The boundaries of the site follow field boundaries as shown on the first edition Ordnance Survey map. The line of the hedge to the east is still discernible, although gappy, with some hedgerow trees still present. The other hedges round the site are now largely replaced by fences, with a few hedgerow trees. The roadside hedge to the west is substantial and in good condition.
86. The site is visible in views from the north when travelling along Salters Lane, from the outskirts of Trimdon Grange southwards to the point of arrival in Trimdon and also from the parallel public footpath (footpath no.4 Trimdon). In these views Trimdon itself is barely visible on the horizon and appears well separated from Trimdon Grange by attractive countryside. The impression is also created that the existing boundary to the site forms a natural limit to the built development of the village and that land to the north is located within the open countryside. Although the surrounding landscape is not covered by any national or local landscape designation, the site and surrounding land

form part of an attractive approach to Trimdon. The development site, however extends northwards over the ridge and is clearly visible on the approach to Trimdon. Development of this site would be a prominent intrusion into the countryside that would reduce the separation of Trimdon and Trimdon Grange. It is not a logical extension of the boundary of Trimdon, but rather would form a spur extending northwards into the countryside.

87. The site is also visible from the public footpath that passes within the southern boundary. This footpath extends to the east, skirting the northern boundary of the village and the full length of the Conservation Area. Views from this footpath allow a clear appreciation of the Conservation Area and its relationship with the open countryside to the north.
88. The layout and appearance of the proposed development is not under consideration at this stage but a concept masterplan showing an indicative site layout for 40 units (although it should be noted that up to 50 units have been applied for) has been submitted. This suggests that the development would be arranged around a series of cul-de-sacs with areas of public open space and landscape provided centrally and along all boundaries to help mitigate the impact of the development in the landscape. The application is also accompanied by Landscape and Visual Impact Assessment (LVIA) which provides information on the landscape and visual baseline and potential landscape and visual effects.
89. The Council's Landscape Officer does not agree with the conclusions reached within the LVIA and considers that the landscape effect has been underestimated. The effect of the development would not only be felt within just the immediate setting but also in longer range views from the north (approx. 1km back to Trimdon Grange), east (potentially up to 4km) and west (potentially up to 2km). Development in this location would have a transformative impact and would not form a natural extension to the settlement of Trimdon but represent a significant incursion into an attractive landscape. It would introduce an urban element which is largely missing at present due to the existing settlement being barely visible sitting at the top of the ridge. It would also effect the setting of the village in the surrounding landscape on approaching Trimdon from the north. Whilst landscape mitigation measures such as structural planting could be employed, it is considered that these would not be sufficient to mitigate the landscape impact especially in the early years (15 years) of the development and due to the level changes on site. Any enhancements to existing hedgerows would also sit in a suburban rather than agricultural setting. The effects of the development would be permanent in a landscape that is considered to be of high value and with a high sensitivity to change on account of it lying within a Landscape Conservation Area with the strategy of 'Conserve and Restore.' The proposal is therefore not supported by the Landscape Section.
90. There are various trees and hedgerows on the site, which contribute positively to the character of the local area. The Council's Arboriculture Officer raised no objection to the scheme provided the submitted Arboricultural Impact Assessment is adhered to however further clarification is sought with regard to the impact to T8. Subject to the imposition of conditions it is considered that this matter could be addressed.
91. SBLP Policy D9 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of promoting development that improves places for people. This mirrors the aims of Policy D9 which is considered partially consistent with the NPPF, and can be afforded weight. A condition could be imposed to secure artistic elements within the design and layout of the development in accordance with Policy D9 of the SBLP.

92. The proposed development would have significant, negative, landscape and visual effects. It would introduce an urban element into a high value rural landscape that would reduce the separation between the villages of Trimdon and Trimdon Grange in conflict with Policies E1 and D1 of the SBLP and Part 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside (b). Such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Highway Safety and Access

93. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraphs 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety and the adequacy of the proposed access arrangements have been raised by local residents.
94. The means of access to the development is a matter for consideration in this application. The Highways Authority consider the proposed access arrangements, to be provided off St Cuthbert's Crescent are acceptable. Site inspections confirm that motor vehicles often park on St Cuthbert's Crescent close to no. 1 Bank Top Terrace and no.1 Front Street which makes access difficult if not prohibitive for larger vehicles such as refuse wagons to gain access. A condition is therefore required to ensure a scheme comes forward to prevent vehicles from waiting and parking in this area. Subject to the imposition of conditions the Highway Authority raise no objection to the development.
95. Given the scale of the development The Highways Authority has confirmed that there is no requirement for a Transport Statement to accompany the application. It is not considered that the additional traffic generated by this development would result in any severe residual cumulative impacts on the surrounding road network. The onsite layout and parking provisions partially detailed on the indicative plans are noted although such details would need to be the subject of any future reserved matters application.
96. SBLP Policy L9 seeks to promote the provision of a safe, attractive and convenient networks of footpaths by maintaining and protecting the existing rights of way network. Paragraph 98 of the NPPF states that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. Policy L9 is therefore considered to be fully compliant. A PROW (footpath no.s 2 and 3) runs alongside and within the site's southern and south-western boundaries and would need to be modified to facilitate the proposed vehicular access. As a result and through increased usage there would be a direct impact on the PROWs arising from the development. A total contribution of £49,000 towards upgrading the PROW both within and outside the development including the provision of improved access and boundary crossings is therefore required. This would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
97. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the imposition of conditions and securing contributions, and

therefore in accordance with SBLP Policies D3 and L9 and paragraph 98 and Part 9 of the NPPF.

Residential Amenity

98. SBLP Policy D5 requires that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between facing principal elevations and 14m between principal and gable elevations. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
99. Based on the indicative layout and relationship with existing properties, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances.
100. The site lies in close proximity to the B1278 and therefore the application should have been supported by a detailed acoustic report on the existing noise climate at the development site to establish whether sound attenuation measures would be required to protect future residents from the transferral of sound from road traffic noise. The guidance is clear that assessment should be made in advance of a decision even in the case of outline applications. Notwithstanding this, the Environmental Health Section has considered the application and does not consider that the outcome of this assessment would prevent development of the site. Subject therefore to the imposition of conditions to secure suitable assessment reports as part of any future reserved matters application no objections are raised. The proposal would therefore be considered to accord with Policy D5 and paragraph 170 of the NPPF in this regard.
101. There is also the potential for disturbance during the construction period. However, it is considered that conditions relating to a Construction Management Plan and hours of working could provide sufficient mitigation in this case.
102. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers could be secured through the imposition of conditions. The development is therefore considered compliant with SBLP Policies D1 and D5 in this respect and Parts 8 and 15 of the NPPF.

Ecology

103. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located approximately 530m to the west of Charity Land Site of Special Scientific Interest (SSSI) and 440m from Captains Well Local Wildlife Site. Raisby Way and Trimdon Grange Local Nature Reserve lies approximately 800m to the north west of the site. SBLP Policy E11 and Part 15 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests.
104. A Preliminary Ecological Appraisal and subsequent Addendum has been submitted in support of this proposal. These outline a series of mitigation measures including retaining and enhancing perimeter trees and hedgerows, the creation of 0.83ha of landscaped and managed open native woodland and species rich grassland including a range of wetland habitats around the SuDs system, installation of bat boxes, the

carrying out of works at times of year where disturbance would be minimised and undertaking pre-commencement development checks. The Council's ecologist is satisfied with the mitigation proposed which would lead to an overall enhancement in biodiversity and provide net gains in accordance with the aims of SBLP Policy E11 (consistent with the NPPF) and Part 11 of the NPPF. Subject to conditions being imposed to secure the implementation of the mitigation measures, a sensitive lighting strategy, detailed landscaping scheme and maintenance regime to be agreed, the Council's ecologist offers no objection to the proposal.

Infrastructure and Open Space Provision

105. Paragraph 94 of NPPF confirms that the Government places great importance on the availability of sufficient choice of school places to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 15 primary age school pupils and 6 secondary age school pupils and there is insufficient capacity at Sedgefield Community College and the local primary schools (Bluebell Meadow Primary and Deaf Hill Primary) to accommodate this need. A total contribution of £319,809 towards education provision is therefore required, as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
106. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that the general practice services for residents of Trimdon (and the neighbouring villages) are provided almost exclusively by Skerne Medical Practice which operate from surgeries in Trimdon and Sedgefield. The practice is already 10% below recommended space levels for their practice population and the additional housing proposed will place further strain on the existing facilities. Therefore, a financial contribution would be required to make the proposed housing expansion supportable from a health infrastructure perspective and to help fund planned expansions to the practice. Based on the additional population likely to be generated by the development there is a requirement for 11.5 sqm of additional clinical space to be provided. To mitigate the impacts of the development a contribution of £34,500 is sought to improve access to healthcare provision in Trimdon which would be secured through via Section 106 Agreement.
107. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the Borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. 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 five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
108. Having regard to the scale of the development it is considered that play space (children's), amenity open space and semi-natural greenspace should be provided on-site. Given the scale of the development (50 dwellings) the children's play space would comprise of non-equipped play areas. As there is a play area within close proximity to the development (land north of Skerne Avenue) and the Council would not be prepared

to adopt any further play areas it is considered more appropriate to secure an off-site contribution towards the enhancement of existing facilities. A planning condition can secure the 1,650sqm of relevant (amenity open space and semi-natural greenspace) on-site open space provision. The development would generate a required contribution of £78,705 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.

Affordable Housing

109. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. SBLP Policy H19 also encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should be afforded significant weight with regards to this issue.
110. The Council's evidence base for the area suggests that a proportion of affordable housing of 10% would be required on this site, amounting to 2 dwellings. The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and, therefore, the proposal is considered to be acceptable in this regard.

Flooding and drainage

111. 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.
112. The application is accompanied by a Flood Risk and Drainage Assessment which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The outline drainage strategy proposes the use of Sustainable Urban Drainage (SUDs) therefore the Council's Drainage and Coastal Protection officers offer no objections to the principles outlined. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so they can fully assess their capacity to treat the flows from the development.
113. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Other Issues

114. The Contaminated Land Section has assessed the submitted Phase 1 Desk Top Study and its recommendation for a Phase 2 Site Investigation. No objection is raised to the development subject to a condition to secure this work. The site falls within the defined Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety. Subject to the above it is considered that measures can be put in place to ensure that the site is suitable for its proposed use taking account of any risks arising from land instability and contamination in accordance with Paragraph 178 of the NPPF.

115. The proposal has generated public interest, with some 49 letters of objection having been received. Loss of a view is not a material planning condition. All other objections and concerns raised by local residents have been taken account and addressed within the report.

Planning Obligations

116. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The contributions sought towards improvements to education provision, off-site open space provision, improvements to Public Rights of Way and improved access to health care provision are considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

117. The development would conflict with Policy H8 of the SBLP representing housing outside of the residential framework of Trimdon. However, as the age of the evidence base upon which this policy is reliant renders the policy out of date the presumption in favour of sustainable development is engaged. Paragraph 196 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

118. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date although it is acknowledged that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

119. This boost to housing supply would extend to the delivery of affordable homes as the development proposes the delivery of 10% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.

120. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

121. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.

122. A financial contribution would also be secured which would provide improvements to the PROW network within and adjoining the development.

Adverse Impacts

123. The proposed development would have significant, negative, landscape and visual effects. It would introduce an urban element into a high value rural landscape that would reduce the separation between the villages of Trimdon and Trimdon Grange.
124. The application proposes built development to the northern boundary, directly adjacent to the conservation area, which would have a transformative impact on this undeveloped part of the village. The scheme would therefore cause harm to the setting of the conservation area as a result of the further erosion of the historic core. The identified harm is assessed as being less than substantial.

CONCLUSION

125. The development would conflict with Policy H8 of the SBLP representing housing outside of the residential framework of Trimdon. However, the age of the evidence base upon which this policy is reliant renders the policy out of date therefore the presumption in favour of sustainable development is engaged. The residential development is, therefore, required to be considered in the context of Paragraph 11 of the NPPF, which states that planning permission should only be refused where there is a clear reason to do so following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development which would significantly and demonstrably outweigh the benefits.
126. The development would conflict with Policy E18 of the SBLP, due to the impact on the character appearance and setting of Trimdon conservation area. Paragraph 196 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.
127. In this instance it is not considered that the public benefits identified including the boost to housing land supply, provision of affordable housing, direct and indirect economic benefits, net gains in biodiversity and improvements to the public rights of way network would be sufficient to overcome the less than substantial harm to the setting of the conservation area which arises from the proposal for built development to the northern boundary, directly adjacent to the conservation area which would further erode the historic core.
128. As well as impacting on Trimdon Conservation area the development would also result in significant landscape harm though developing a greenfield site and extending built development into the countryside. For the purposes of Paragraph 11, the identified harm would significantly and demonstrably outweigh the benefits. Furthermore, the benefits associated with this development are not unusual and could be associated with any proposal of this nature. The application is therefore recommended for refusal.

RECOMMENDATION

That the application be REFUSED for the following reason;

The Local Planning Authority considers that the proposed development would amount to a substantial and inappropriate incursion into the countryside which would result in significant adverse harm to the character of the local landscape in conflict with Policy E1 of the Sedgfield Borough Local Plan and Parts 12 and 15 of the NPPF. The

proposed development would result in harm to the setting and significance of Trimdon Conservation Area in conflict with Sedgefield Borough Local Plan Policy E18 and paragraph 196 of the NPPF. In the context of paragraph 11 of the National Planning Policy Framework, such adverse impacts are considered to substantially and demonstrably outweigh the benefits of the development.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Sedgefield Borough Local Plan
- Trimdon Conservation Area Appraisal (December 2012)
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

Ref: DM/18/00034/OUT
 Outline planning application for up to 50 dwellings
 (40 shown on indicative plans) with all matters
 reserved except access
 Mr R Valks
 Land To The East Of Greenfields, Salters Lane,
 Trimdon

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Comments

Date 22nd November 2018

Scale Not to Scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/01436/FPA
FULL APPLICATION DESCRIPTION:	Erection of 72 no. dwellings (previously 69 so increasing unit numbers by 3) including access, landscaping and associated infrastructure (revised description 21/09/2018)
NAME OF APPLICANT:	Persimmon Homes (Durham)
ADDRESS:	Land To The North Of Middridge Road, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe North and Middridge
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on the north western edge of Newton Aycliffe. It measures approximately 3.06ha and forms part of a larger 8ha site identified as a housing allocation by policy H2 of the Sedgfield Borough Local Plan. The remainder of this allocation lies to the east of the site and benefits from consent for 256 dwellings (DM/16/00985/OUT, DM/18/01810/RM and DM/18/01812/FPA).
2. The land is bordered to the north by Cobbler's Hall Plantation and agricultural fields. The C35 Middridge Road adjoins the southern boundary with residential development beyond and to the east lies the consented residential development site which is still currently in use as agricultural fields. Around 800m to the west lies Middridge Village.
3. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. Cobblers Hall Plantation lies to the north and contains a number of informal unregistered routes and a public right of way (Footpath No. 3 Middridge Village) runs along the plantation's northern boundary. Immediately to the south west of the site, beyond Middridge Road, lies Byerley Local Nature Reserve. and the eastern edge of Middridge Conservation Area is approximately 800m to the west of the site.

The Proposal

4. The proposal seeks full planning consent for the erection of 72 dwellings (originally proposed 69) A range of 2, 3, 4 and 5 bedroomed detached, semi-detached and terraced units are proposed. These would all be of two storey height with the exception of the Souter house type which would have rooms in the roof and extend to 2.5 storeys. The materials palette hasn't been specified however indicative plans show facing

brickwork, tiled roofs and UPVC windows and doors. Each property would benefit from private amenity space and off-street car parking spaces. There will also be 18 non-allocated visitor car parking spaces. The scheme includes 15% affordable housing provision equating to 11 units (9no. affordable (social rent) and 2no. intermediate tenure).

5. Vehicular access into the site would be taken from C35 Middridge Road via a new compact roundabout and road leading from this into the estate in an arched form. To improve connectivity a series of off-site pedestrian and cycle links would be created. There would be a link in a westerly direction towards Middridge Village and a foot/cycle way would also be created to the east along Middridge Road, linking up to the C34 Burn Lane to the north and along the C147 Greenfield Way to the south to Byerley Park Primary School.
6. The layout provides 0.78ha of public open space in the form of a green open area of land around the arched residential access road at the entrance to the site. This would also accommodate a sustainable drainage system (SuDS). The plans also include a woodland buffer zone on the western site boundary with a combined width of around 20m taking into account planting strip ditch and footpath.
7. The application is being reported to the Planning Committee as it constitutes a major residential development proposal.

PLANNING HISTORY

8. Planning permission was refused in April 2008 for a development of up to 400 dwellings at Eldon Whins (7/2008/0197/DM) of which the current application site forms a part of (the western field). The reasons for refusing the application at the time related to the development of a greenfield site, no need to release the site to meet housing supply requirements, flood risk had not been adequately considered, insufficient information had been supplied in relation to impact upon biodiversity, the impact of the development upon landscape character, and that the development was poorly related to the public footpath network and existing community facilities.
9. A hybrid application (DM/14/03153/OUT) for a total of 241 dwellings was submitted in 2014 which included the current application site and land to the west of it, before subsequently being withdrawn prior to determination.
10. Planning permission was granted in February 2018 for 240 dwellings on land immediately to the east of the application site (DM/16/00985/OUT). A Reserved Matters submission (DM/18/01810/RM) containing details relating to this development has recently been approved alongside a full planning application for an additional 16 dwellings (DM/18/01812/FPA). Essentially it was considered that the 240 dwelling site layout subject to application DM/18/01810/RM and the layout for an additional 16 dwellings were compatible and the whole site will be built out as a development of 256 dwellings.

PLANNING POLICY

NATIONAL POLICY

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

development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

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

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

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

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

25. *Policy E1 – Landscape Protection and Enhancement.* Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
26. *Policy E4 – Designation and Safeguarding of Green Wedges.* Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.

27. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
28. *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.
29. *Policy E18 – Preservation and Enhancement of Conservation Areas.* Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
30. *Policy H2 – Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon –* Identifies major sites which are allocated for housing.
31. *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.
32. *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.
33. *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 benchmark provision.
34. *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.
35. *Policy D1 – General Principles for the layout and design of new developments –* Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
36. *Policy D2 – Design for people –* Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
37. *Policy D3 - Design for access -* Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
38. *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.
39. *Policy D7 – Structural Landscaping around Major Developments –* Identifies that areas of structural landscaping will be required on the outer edge of identified major housing sites.

40. *Policy D8 – Servicing and Community Requirements of New Development* – states that the Council will normally expect new developments to meet servicing requirements, and to offset costs imposed by the development upon the local community.
41. *Policy D9 – Art in the Environment* – seeks to encourage the incorporation of artistic elements in development schemes.

EMERGING PLAN:

The County Durham Plan

42. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

Middridge Neighbourhood Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *Middridge Parish Council* – Strongly object to the planning application on the following grounds;
 - Safeguarding the green wedge and protecting green space
 - Impact on the character of the surrounding area
 - Road traffic and pedestrian safety
 - Weight of adverse effects against the potential benefits
45. *Highway Authority* – Overall the impacts associated with this development on the rest of the highway network are considered to be acceptable. An appropriate means of access, site layout including parking arrangements has been agreed. Subject to the imposition of appropriate conditions and informatives there are no highway objections.
46. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.
47. *Drainage and Coastal Protection* – No objections providing conditions are imposed to ensure the development is carried out in accordance with the submitted surface water management scheme and the submission of hydraulic calculations for approval.

INTERNAL CONSULTEE RESPONSES:

48. *Landscape* – No objection raised following the incorporation of structural planting along the western boundary and subject to securing a scheme of landscaping and future management and maintenance thereafter.
49. *Landscape (Arboriculture)* – There will be a loss of trees and hedging at the entrance to the site and there will be pressure on those trees retained internally due to the close proximity to gardens. If approval is granted a tree protection plan is required and consideration should be given to mitigating the loss of existing landscaping.
50. *Archaeology* - No objection is raised. A geophysical survey was submitted followed by a trial trenching elevation of the site which did not identify any significant archaeological on site.
51. *Design and Conservation* – No objections are raised in relation to heritage impacts. The proposed layout allows for natural surveillance of the public open spaces, SUDS wetland areas and vehicular and pedestrian routes are provided through the site. Many areas of the site are dominated by parked cars therefore a landscaping scheme should be developed to help soften this impact.
52. *Ecology* – No objection subject to securing a financial contribution to mitigate the impacts to Cobbler's Hall Plantation and conditions relating to a lighting strategy, adherence to the Ecology Addendum Mitigation Report, a detailed landscaping scheme and maintenance regime to be agreed.
53. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised subject to a condition relating to a dust action plan
54. *Environment, Health and Consumer Protection (Pollution Control)* – No objections, subject to conditions to secure a scheme of noise attenuation measures and construction management.
55. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
56. *Spatial Policy* – No objections are raised. Eldon Whins is an allocated housing site under Policy H2 of the SBLP. Structural landscaping is shown to the west of the proposed housing which is consistent with the provisions and requirements of Policy D7(a) and E4. The scheme should establish links with the adjacent site/the remainder of the allocation. The site is in a medium viability area, so 15% affordable housing should be secured.
57. *Housing* – No objections are raised. Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable (social) rent and intermediate tenure.
58. *School Places Manager* – No objections are raised, as there is sufficient existing capacity for both primary and secondary school pupils.
59. *Sustainable Travel* – There is a requirement to improve both east and westbound bus infrastructure, opportunities to improve connections and confirm that due to the size of the development a travel plan will not be requested.

EXTERNAL CONSULTEE RESPONSES:

60. *Dales, Easington and Sedgfield Clinical Commissioning Group* – Based on a standard approach to costing the impact of additional housing growth a financial contribution of £49,680 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective.
61. *Police Architectural Liaison Officer* – No objection to the development however have some recommendations with regards to designing out crime.

PUBLIC RESPONSES:

62. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 11 letters have been received from neighbouring properties objecting to the proposal. The main concerns are summarised as follows:

Principle of development

- Coalescence between the settlements of Middridge, Shildon and Newton Aycliffe
- The development, in conjunction with the adjacent site, is not in character and keeping with the scale of Middridge
- New homes are not required especially given the consented development at the adjacent site
- The highway infrastructure represents an incursion into the green wedge (Policy E4). Concern is that if permission is granted this would set the precedent for future development of this land.
- Consider there are better locations to develop especially brownfield sites
- Whether this site represents a sustainable location for development given the distance to shops and services. Walking and cycling routes are not considered to be desirable.

Highway safety

- Additional traffic on an already busy road (Middridge Road) and area of Newton Aycliffe
- If development is approved access should be through the Eldon Whins site and not a separate access point. Concerns this is not needed and is only to facilitate future development on land to the west/the green wedge
- Concerns that the Transport Assessment is not based on up-to-date information and there are flaws in the data.
- The number of car parking spaces provided

Other matters

- Loss of countryside and the impact that this will have on wildlife and plants
- Potential for disruption during the construction process especially as there is consented development adjacent to the site
- Potential for flooding and drainage issues
- Approach to open space within the site
- Insufficient information provided on the forms relating to materials and pre-application discussions with the LPA.
- Request consideration is given to building bungalows

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

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

APPLICANTS STATEMENT:

63. When considering paragraph 74 of the revised National Planning Policy Framework, and as confirmed by a Planning Inspector at a recent appeal (APP/X1355/W/18/3197684), the Council does not currently have a five-year housing land supply established in a recently adopted plan or subsequent annual position statement. Further, the Sedgefield Borough Local Plan and policies therein contained were intended to cover a period to 2006 only. Accordingly, the application should be considered in context of paragraph 11(d) and footnote 7 of the NPPF which dictates that “decisions should apply a presumption in favour of sustainable development... for decision-making this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
 - ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole.”
64. Addressing point i) first, footnote 6 refers to the areas and assets afforded particular importance and protection by the Framework, identified as habitat sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a designated heritage asset; and areas at risk of flooding or coastal change. The development site is not protected by any policies in the listed in footnote 6 and as such there are no clear reasons for refusing the development in this regard.
65. In regards to point ii) the revised NPPF provides clear guidance that proposals for housing applications should be considered against the three objectives of sustainable development. The benefits of the scheme are outlined below against each objective;

Economic

66. The development will;
- represent a total construction cost and investment into the area of £9.9m;
 - create 33 direct construction jobs per year of construction;
 - support 49 indirect and induced jobs per year of construction;
 - bring in £1.7m worth of gross household expenditure p.a. which could be spent in the area;
 - generate £85,000 worth of Council tax receipts per annum;
 - generate a New Homes Bonus payment of £341,000 for the Council to spend in the local community;
 - secure £172,000 of Section 106 contributions towards open space improvements, Health Care and the management of Cobblers Hall Plantation.

Social

67. The development will;

- provide much needed housing in an area which lacks a five-year housing land supply on land previously allocated within the Sedgefield Borough Local Plan and draft allocated within the emerging County Durham Local Plan (preferred options) for residential development;
- provide a range and mix of 2, 3 and 4 bed properties specifically aligned with the housing needs of the county;
- provide 15% of the dwellings as Affordable Housing (11 dwellings) contributing towards meeting the undersupply of this housing types and improving the tenure mix in the area;
- provide an overprovision of onsite amenity open space to support health and social wellbeing;
- provide new housing in a sustainable location in close proximity to accessible services, facilities and employment opportunities;

Environmental

68. The development will;

- provide a development of high quality design influenced by the semi-rural location incorporating stone window heads and cill, sash window frames, village style doors and a variety of door canopies;
- provide new homes in an area of low flood risk incorporating a Sustainable Urban Drainage System engineered to account for 1 in 100 year storm events plus climate change;
- create a logical, natural extension to the town incorporated into the landscape through the retention of existing vegetation and new structural boundary and internal landscape planting;
- be constructed to modern building regulation standards incorporating an enhanced building fabric standard to minimise energy usage;
- enhance the ecological features of the site through retention of boundary trees and hedgerows which provide good habitat and foraging opportunities, creation of new habitat through new drainage ponds and contributions towards the management and maintenance of Cobblers Hall Plantation;
- promote the use of sustainable transport methods through the creation of new footpath connections to the south into the town of Newton Aycliffe and by completing the footpath network between Newton Aycliffe and Middridge in addition to improving bus stop infrastructure on Middridge Road;
- not result in harm to any cultural or historical assets.

69. Persimmon Homes have worked closely with the Local Planning Authority in addressing all comments received from internal and statutory consultees such that there are no outstanding objections from any of these bodies. Accordingly, it is considered that all potential adverse impacts have been minimised or eliminated through mitigation such that there are no adverse impacts which would significantly and demonstrably outweigh the numerous benefits and therefore it is politely requested that members support the Case Officers recommendation and approve the application.

PLANNING CONSIDERATIONS AND ASSESSMENT

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context,

it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, impact on the character of the surrounding area, layout and design, affordable housing, residential amenity, ecology, public open space, flood risk and drainage, heritage and archaeology and other matters.

The Principle of the Development

The Development Plan

71. 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. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.

The NPPF

72. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Five Year Housing Land Supply

73. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
74. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old, and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.

75. The Council's position on 5-year housing land supply was publicly tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its Objectively Assessed Need (OAN). On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.
76. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Assessment having regards to Development Plan Policies

77. The SBLP, under Policy H2, seeks to identify suitable sites for housing development, by means of allocations. The application site is identified within Policy H2 as a housing allocation of 8ha, with an estimated yield of 160 dwellings, and is identified as "Eldon Whins". It is clear that the policy is, in NPPF Paragraph 11 terms, one of the most important policies for determining the application.
78. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies do not reflect an up-to-date objective assessment of need and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF and the weight to be afforded to them reduced as a result. Paragraph 213 of the NPPF states that out-of-date policies should not be considered irrelevant in the determination of a planning application, with the amount of weight attributed to each policy in the decision making process according to with their degree of consistency with the NPPF.
79. Policy H2 is considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. Accordingly, it is considered that while out-of-date, moderate weight can be afforded to this Policy, and also, Paragraph 11 NPPF is engaged.
80. The land immediately to the west of the H2 allocation is designated within the SBLP as Green Wedge to which Policy E4 relates. Designated Green Wedges comprise of the open areas around towns and villages and between parts of settlements which maintain the distinction between the countryside and built up areas, prevent the coalescence of adjacent places (such as Newton Aycliffe and Middridge) and provide a rural setting to development. Part 12 and 15 of the NPPF promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside (b). Policy E4 is therefore considered to be up to date and fully consistent with the NPPF in this regard and can therefore can be afforded full weight.
81. To fulfil their purpose, built development within green wedges should be resisted. However appropriate open space uses are encouraged and can also provide links between the built up areas. Their value as recreational and wildlife resources is also referenced and this can be enhanced through additional planting and management. Policy D7 outlines that structural landscaping will normally be required on the outer edge of main housing sites (such as Eldon Whins).

82. The landscape and visual impact of the development and the contribution the site makes to the setting of both Newton Aycliffe and Middridge is considered in more detail elsewhere in this report. With regard to the prevention of coalescence under Policy E4 it is not considered that a harmful impact would occur through this development. Whilst there would be some limited conflict with the policy arising from the physical construction of the roundabout and residential access road, most of the incursion into the green wedge area would involve open space uses and the structure planting belt. Consequently, the clear distinction between the countryside and built up areas and adjacent settlements required by the policy would not be undermined.
83. While development on the site will to some extent conflict with Policy E4, the level of impact on the interface between the built up area and the countryside needs to be considered in the balance required by NPPF para 11.

Conclusion on the Principle of the Development

84. The proposed development can draw support from SBLP Policy H2, which allocates the site for housing, and whilst the age of the evidence base upon which this policy is reliant renders the policy out of date, it's relative consistency with the NPPF means that some weight can still be afforded to it. Although Policy E4 is considered to be up to date and consistent with the NPPF and notwithstanding that some limited conflict has been identified the proposal would not undermine the function or role of the green wedge. As such Policy E4 is not considered the most important policy in the determination of this particular application. As relevant policies for the supply of housing within the SBLP are out-of-date, in accordance with Paragraph 11 of the NPPF, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Locational Sustainability of the Site

85. The County Durham Settlement Study 2018 is an evidence based document which rates Middridge as having a settlement score of 6.5, and Newton Aycliffe as scoring 392.5. Whilst the site is situated in Middridge Parish, it is better related to Newton Aycliffe in terms of access to services. Furthermore, given the relative lack of services within Middridge Village itself, as evidenced by its relatively low settlement score, it would appear that future occupants of the development would look eastwards towards Newton Aycliffe to meet their living needs.
86. Newton Aycliffe, is generally well served by services with good access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge of Newton Aycliffe is consistent with the role the settlement plays within the County Durham hierarchy and would represent a sustainable, accessible location. This is reflective of the overall assessment of the site as being suitable for residential development through its allocation within the SBLP.
87. Byerley Park Primary School is located approximately 750m from the application site and Greenfield Community College around 1.6km away. Cobblers Hall Village Centre to the north contains a Sainsbury's Local, public house, restaurant/takeaways, Jubilee Medical Group, and a petrol station and is around 1.1km away. All of these are within the preferred maximum walking distance (1200m) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".

88. Bus stops are located to the south of the site on Middridge Road, providing twice hourly links to Greenfield Community College, Newton Aycliffe Railway Station, as well as Newton Aycliffe town centre which contains larger facilities, including two supermarkets, large retailers, and a leisure centre. The bus service also provides access to other settlements, including Bishop Auckland, and Darlington. To ensure future occupiers are able to access these services new bus stops are proposed on either side of the carriage way with their delivery being secured by condition.
89. Overall, it is considered that the site has access to a large array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Newton Aycliffe in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the re- use of land that has been previously developed, it does not preclude the development of greenfield land.
90. In conclusion, it is considered that the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. The proposal would therefore accord with Paragraph 108 of the NPPF and Policies D1, D2 and D8 of the SBLP (consistent) in this respect.

Highway Safety and Access

91. SBLP Policy D3 requires that development proposals should achieve a satisfactory means of access onto the wider highway network while protecting highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the Paragraph 108 of the NPPF which also seeks to promote accessibility by a range of methods and ensure that safe and suitable accesses can be achieved. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the appropriateness of a new roundabout to serve the development have been raised by local residents.
92. A Technical Note (TN) has been submitted in support of these proposal so that the impact of the proposed development is considered together with committed developments in the area. This supersedes the Transport Assessment (TA) originally provided and includes updated background survey data and in particular the distribution of the impacts on the Middridge Road/ Greenfield Road junction has been assessed taking into account the development which has been approved on the adjacent site. The Highways Authority is satisfied that the transport consultant has modelled and demonstrated that the impacts at the Middridge Road/Greenfield Road are acceptable. Whilst contributions to an improved Rushyford roundabout have been secured from other development, this is not required in this instance. Overall the highway impacts associated with this development on the rest of the network are considered to be acceptable.
93. The dwellings would be served via a new compact roundabout off a new access taken from C35 Middridge Road. The Highways Authority is aware of a serious road traffic collision (RTC) that occurred in the general vicinity of the roundabout involving the driver of a vehicle trying to overtake another vehicle on this de-restricted section of public highway. The inclusion of a roundabout at this location is viewed as a positive traffic calming measure that would help to prevent such events (RTC) happening in the future.

It would also result in the removal of significantly less roadside vegetation when compared to an alternative solution of a protected right turn T junction and the associated sight visibility splays. If the development proceeds it is considered that the existing 40mph speed limit that extends from the junction of Middridge Road with Greenfield Way should be extended to just beyond the western splitter island associated with roundabout to further assist in reducing vehicle speeds along this section of road. This would leave approximately 750m of de-restricted carriageway between the relocated 40mph speed limit and the 30mph limit as you enter the Village of Middridge. The necessary Traffic Regulation Order relating to this adjustment would need to be brought forward by the developer and secured by condition.

94. As regards the access road that would lead from the roundabout into the residential estate and following some amendments to this and the site layout, Highway Officers consider the submitted plan acceptable. The car parking complies with the minimum requirements outlined in DCC Residential Car Parking Standards in accordance with SBLP Policy D1. Whilst an internal access road is shown linking this site to the adjacent development Highway Officers have confirmed that this development would need to be served by its own access due to the total number of dwellings proposed across the two Eldon Whins site (328 units). Furthermore, as the sites would be brought forward by two different developers neither would want to rely on the other to bring forward highway access improvements. Notwithstanding this, both developers have committed to linking the sites and as a result there would be a loop road created through both developments, which is considered the optimum arrangement by the Highway Authority.
95. With regards to pedestrian movement, it has been identified that links to Newton Aycliffe and Middridge could be improved, as there is no pedestrian footway from the site available and no obvious means of safely crossing Greenfield Way. This results in poor permeability, which impacts upon the locational sustainability of the proposed development, as well as presenting a highway safety concern. Whilst similar improvements were procured in relation to the adjacent site they would also need to be secured in relation to this scheme should the adjacent site not come forward and to ensure there are links to Middridge.
96. To improve connectivity a series of off-site pedestrian and cycle links would be created. In a westerly direction there would be a link back towards Middridge Village and Shildon beyond. A new 2.5m wide foot/cycle way would also be created to the east along Middridge Road, which would link up to the C34 Burn Lane to the north and to the south via a footway along the C147 Greenfield Way to Byerley Park Primary School. Depending on whether the new roundabout at the junction with Middridge Road and Greenfield Way has been implemented by the adjacent developer, the off-site pedestrian and cycle links that this site would be required to deliver would be slightly different. Two versions of the plan detailing this scheme have been submitted to take account of this. It is considered that these measures adequately address the highway safety concerns and would enable convenient pedestrian access towards Newton Aycliffe. The implementation of these footways can be secured by means of a planning condition.
97. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary mitigation, and therefore in accordance with SBLP Policy D3 and Part 9 of the NPPF.

Impact on the character of the surrounding area

98. SBLP Policies E1 and D1 requires that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. Part of the site

is also designated as a Green Wedge to which Policy E4 relates. SBLP Policy D7 seeks to secure structural planting on the edge of a number of allocated sites, including the application site. This is reflected in Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. It is therefore considered that full weight can be afforded to SBLP Policies E1, E4, D5 and D7 due to their compliance with the NPPF in this respect. The key policy considerations therefore is whether the site reads as an appropriate natural extension to the settlement, or appears as an incursion into the open countryside, and whether it represents good design.

99. The site lies in the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies in the *Sedgefield, Windlestone and Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type. The site is made up of a single arable field. It is bounded to the north partly by the mixed woodlands of Cobbler's Hall Plantation and partly by an open ditch which also extends along the western boundary. It is bounded to the east and south by a hedge (there is gapping in the eastern hedge) which contains a number of mature, semi-mature and some early mature oak, ash and sycamore trees. The site does not lie within a locally or nationally designated landscape.
100. In considering this particular issue, regard should be had to the fact that the adjacent site already benefits from extant planning permissions for residential development for 256 dwellings (DM/16/00985/OUT, DM/18/01810/RM and DM/18/01812/FPA). As part of the consideration of these applications it was determined the proposed residential development would have a residual adverse impact, but one which could be mitigated, and would diminish over time. The current application relates to the residential development of the remainder of the SBLP Policy H2 allocation area together with associated landscaping, open space and highway infrastructure provision on land which falls within the green wedge (Policy E4).
101. To facilitate access into the site the proposed compact roundabout arrangement is considered to be the most preferable approach from both a highway and landscape perspective as not only should it help improve highway safety but also would result in the removal of less roadside hedging when compared to the alternative solution of a protected right turn T junction and associated sight visibility splays. Notwithstanding this the proposals would still entail the loss of three semi-mature Ash trees and a section of roadside hedge to accommodate the proposed access. It is also acknowledged that this highways infrastructure (roundabout and residential access road) would result in some limited conflict with Policy E4. However most of the works within the green wedge would involve appropriate open space uses including a structure planting belt (Policy D7) and there would be ecological enhancements (see Ecology consideration section). The layout provides a 0.78ha of open space close to the southern boundary and this would also accommodate a sustainable drainage system (SuDS). The plans also indicate a woodland buffer zone to the western site boundary.
102. The site is visible from Middridge Road to the south although it is partially screened by the existing roadside hedge. The site is also screened in views from the north and east by woodland. The landscape officer has acknowledged that the development of the site would have some locally significant landscape and visual impacts which could be mitigated through the provision of structure planting to the west. In accordance with Policy D7 the proposals incorporate a 15m woodland belt which combined with the ditch and footpath would result in an area 20m wide. Overtime this would provide a robust new settlement edge as envisaged by the SBLP. The structure planting should be delivered as soon as possible within the development process to ensure it has the opportunity to mature so as to mitigate the impacts of the development. To the south a

large section of roadside hedge would need to be removed which would erode the rural character of Middridge Road. As previously discussed the development requires its own access and the roundabout represents a preferential highway solution. In overall terms this option would result in the loss of less existing vegetation. Areas of open space would be provided along the southern boundary and together with a scheme of landscaping this would help to mitigate the adverse impacts. Furthermore, it is noted that the site is not located within any designated landscape, and any visual impact would be locally confined to the vicinity of the site. Subject to conditions relating to a detailing landscaping scheme, timings and future management and maintenance no objection is raised by the landscape section. Existing trees would be retained where possible and further planting would take place through the implementation of a landscaping scheme in accordance with SBLP Policy E15. It would nonetheless be appropriate to impose a condition seeking the protection of retained trees during construction. On this basis the Council's Arboriculture Officer has not raised an objection.

103. There is the possibility that the application site could come forward in isolation from the remainder of the Eldon Whins allocation however this is considered to be unlikely given reserved matters consent has been recently granted on the adjacent and Keepmoat are in discussions with the Council regarding satisfying the requirements of the conditions. The Local Planning Authority understand works will start on site by the end of 2018.
104. The development would not be considered to undermine the importance of the Green Wedge in maintaining the strategic gap between the settlements Newton Aycliffe and Middridge. The implementation of the structure planting would provide a robust settlement edge and the development of the highway infrastructure would raise minimal conflict with policy E4 considering the circumstances of the case.
105. Whilst, the proposals would involve an incursion of built development into open countryside and would have some harmful effects on the character of the local landscape conflicting to some extent with Policies E4 and D1 and Part 15 of the NPPF, such impacts are considered to be localised and limited and capable of mitigation by the proposed structure planting. This is something that needs to be considered in the paragraph 11 planning balance assessment.

Layout and Design

106. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D5, D9 and E15 in this respect.
107. There is existing development to the south which is largely screened by Byerley Local Nature Reserve and there is more modern development consented to the east. The proposed connections through to the adjacent development site are welcomed. The proposed dwellings are considered commensurate in scale and design with surrounding and consented developments. The proposed layout allows for natural surveillance of the public open spaces, SUDS wetland areas and, vehicular and pedestrian routes through the site and there are feature plots on the corners. Many areas of the site are dominated by parked cars therefore a landscaping scheme should be developed to help soften this impact. The materials palette hasn't been specified however indicative plans

show facing brickwork, tiled roofs and UPVC windows and doors. Whilst the general approach to materials is acceptable a condition would be appropriate to agree the exact details. Overall it is not considered that this design approach would be out of keeping with the surrounding area.

108. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development makes places better for people. This mirrors the aims of SBLP policy which is considered to be partially consistent with the NPPF and can be afforded weight. A condition can be imposed to secure artistic elements within the design and layout of the development in accordance with SBLP Policy D9.
109. Subject to the imposition of conditions the development is therefore considered to comply with SBLP Policies D1, D2, D5 and D9, as well as Part 12 of the NPPF.

Affordable Housing and Housing Mix

110. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. SBLP Policy H19 also encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is only considered to be partially consistent with NPPF. Accordingly, advice within the NPPF should be afforded significant weight with regards to this issue.
111. The Council's evidence base for the area suggests that a proportion of affordable housing of 15% would be required on this site, amounting to 11 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 80% affordable rent (9no.) and 20% affordable home ownership (2no.). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and, therefore, the proposal is considered to be acceptable in this regard.
112. In terms of housing mix, the development would provide a range of 2, 3, 4 and 5 bedroomed properties which would provide a mix of housing in compliance with Paragraph 61 of the NPPF.

Residential Amenity

113. SBLP Policy D5 requires that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between facing principal elevations and 14m between principal and gable elevations. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
114. The submitted site layout indicates that generally separation distances between dwellings in the development are in excess of either the 21m between facing principal elevations or 14m between principal and gable elevations as advocated in the Local Plan. There are a few instances where distances fall slightly short although not to an unacceptable extent. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise. Furthermore,

satisfactory separation distances would be achieved between the application site, the adjacent consented development site at Eldon Whins and the existing residential properties along Elwick Avenue such that there would be no significant adverse residential amenity impacts.

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

Ecology

118. The closest site of nature conservation interest is Byerley Park Local Wildlife Site which is located immediately to south of the application site. SBLP Policy E11 and Part 15 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests. Various ecology surveys have been submitted in support of the proposal highlighting the presence of a small population of Great Crested Newts at Byerley Park LWS, a bat roost (used by a single common pipistrelle) in a tree located on the eastern boundary of the site and use of the site for foraging and commuting bats and by a number of breeding birds. Whilst the site itself does not provide suitable habitat for badgers the woodland immediately to the north does. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992 have been recorded within the site.
119. Having regard to this information based on the likely impacts of the development upon ecological interests an Ecology Addendum Mitigation Report proposes a range of mitigation measures including retaining and enhancing hedgerows and field drains where possible, the provision of exclusion fencing and newt removal from the site prior to development commencing, providing GCN habitat within the development, carrying out of works at times of the year where disturbance will be minimised, undertaking pre-commencement of development checks, implementation of a sensitive lighting scheme, the installation of bird nesting boxes and the retention of the tree containing the bat roost.
120. The site adjoins Cobblers Hall Plantation to the north and the plans indicates that access to this area will be encouraged for recreational use. The resultant increase in use of the area is expected to have a detrimental impact on the biodiversity of this woodland. Similar concerns were raised during the determination of the adjacent application and a series of improvements to Cobbler's Hall Plantation were outlined including improvements to the existing pond and improved management of public access in the

form of a formal footpath. These works would assist in improving biodiversity in the immediate vicinity of the site and help to mitigate the impact caused by the likely increase in visitors. In a similar way to the adjacent site a financial contribution would be secured from the developer amounting in this case to £9,208, and secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to implement these works.

121. Due to the proximity of a Great Crested Newt population to the application site, a Natural England licence may be required, in order for development to proceed. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
122. In applying these tests, it is considered that there would not be a satisfactory alternative to removing any newts that may be on the site when the development is to commence. As regards of maintaining the favourable conservation status of the species, it is considered that the proposed mitigation measures would secure this.
123. In respect to the public interest test, this can only be determined once the planning balance test, as set in NPPF Paragraph 11 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
124. Therefore, subject to securing a financial contribution to mitigate the impacts to Cobbler's Hall Plantation and conditions relating to a lighting strategy, adherence to the Ecology Addendum Mitigation Report, a detailed landscaping scheme and maintenance regime to be agreed the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2017 and the proposal would comply with NPPF Paragraph 175. Given that biodiversity impacts can be adequately mitigated, both on and off site, along with the planting proposed, the development is considered to conform to SBLP Policy E11, and Part 15 of the NPPF in this respect subject to the conditions outlined above. The Council's Ecologist offers no objection to the scheme on this basis.

Infrastructure and Open Space Provision

125. The Council's School Places Manager has advised that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect. The Council's School Places Manager has advised that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect.
126. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgfield Clinical Commissioning Group (DDES CCG) has advised that based on a standard approach to costing the impact of additional housing growth a

financial contribution of £49,680 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. Further information has been requested from the CCG to justify the contribution sought and a verbal update will be provided to Members at Committee in this regard. Should the contribution be fully justified, to mitigate the impacts of the development a contribution of £49,680 would be sought to improve access to healthcare provision in Trimdon which would be secured through via Section 106 Agreement.

127. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. 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 five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
128. Having regard to the proposed layout, it is considered that the development would provide appropriate levels of amenity open space and natural green space as a result of the structure planting and areas of open space along the southern boundary. Whilst the development is of a scale that could warrant on site play space provision as the Council would not be prepared to adopt any further play areas and facilities would be developed at the adjacent site, a financial contribution would be sought to upgrade existing facilities. The development would generate a required contribution of £133,049 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.

Flooding and drainage

129. 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.
130. The application is accompanied by a Flood Risk Assessment and Surface Water Management Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy proposes the surface water flows are directed to a Sustainable Urban Drainage (SUDs) system at the southern part of the site. The Council's Drainage and Coastal Protection section has no objections to the development or the overall drainage strategy although they require the Hydraulic Calculations to be supplied which will verify the drainage option which can be secured by condition. Northumbrian Water similarly raises no objections.
131. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
132. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Heritage and Archaeology

133. A geophysical survey has been submitted which was followed by a trial trenching excavation of the site. This did not identify any significant archaeological interest on site. The Council's Archaeologist has confirmed that no further work is required and that no objection is raised. The proposal is therefore considered to comply Paragraph 189 of the NPPF.
134. The eastern edge of Middridge Conservation Area lies approximately 800m to the west of the site and is the nearest designated heritage asset. There is limited intervisibility between the site and the aforementioned heritage asset due to the distance between the two sites and the intervening landscaping including roadside trees and boundary hedges. As such there would not be a direct visual relationship between the sites and the proposal would not adversely impact on the setting of the conservation area. Design and Conservation officers raise no objection to the proposal on these grounds. Paragraph 196 of the NPPF states 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, including securing its optimum viable use. In this case it is considered that there would be no harm.
135. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site. The proposals would therefore accord with Part 16 of the NPPF and the requirements of SBLP Policy E18. This Policy is considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.

Other Issues

136. Given the sensitive end use of the site Environmental Health Officers consider that there is a requirement to impose a full contaminated land condition. The site falls within the defined Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety. Subject to the aforementioned condition and informative to ensure that the site is suitable for its intended use taking account of any risks arising from land instability and contamination the proposal would accord with Paragraph 178 of the NPPF.
137. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised by local residents and the Parish Council have been taken account and addressed within the report.

Planning Obligations

138. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to biodiversity, improved access to health care provision (provided it is fully justified by the CCG) and off-site open space provision, are considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

139. This proposal is in principle considered to accord with the development plan through the proposed residential development of an allocated site (Policy H2). Whilst the construction of the roundabout and residential access road would lead to some limited conflict with SBLP Policy E4 most of the encroachment into the green wedge would take place in the form of appropriate open space uses and a structure planting belt. The proposal would therefore not undermine the purpose of the policy. Notwithstanding the minor conflict with SBLP Policy E4 the residential development would be in accordance with SBLP Policy H2, and in this case, the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of the most relevant policies, the presumption in favour of sustainable development is engaged. On this basis, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

140. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

141. This boost to housing supply would extend to the delivery of affordable homes as the development proposes 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.

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. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

143. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.

144. The Highway Authority consider that proposed access arrangements into the site via the new compact roundabout and relocation of the 40mph speed limit, a positive traffic calming measure which would help to prevent Road traffic collisions happening in the future. Furthermore, foot/cycle way improvements would be secured which would provide better connections for residents of Newton Aycliffe.

Adverse Impacts

145. The development would result in the loss of around 3ha of agricultural land, however, the site comprises Grade 3b agricultural land, and is not therefore “best and most versatile”.

146. There would be a limited adverse landscape impact, with the character of the site being significantly changed. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping masterplan including structure planting, although a residual adverse impact would remain.

147. The construction of the roundabout and residential access road would conflict to a limited extent with SBLP Policy E4 however the incursion into the green wedge would largely occur as a result of open space uses and the structure planting belt. The purpose of the policy, to maintain the distinction between the countryside and built up areas, prevent the coalescence of adjacent places and provide a rural setting to development would therefore not be undermined as a result.

CONCLUSION

148. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11 of the NPPF.
149. Notwithstanding the minor conflict with SBLP Policy E4 the residential development would be in accordance with SBLP Policy H2, and in this case, the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of the most relevant policies, the presumption in favour of sustainable development is engaged. The proposal is therefore required to be considered in the context Paragraph 11, which states that 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.
150. Whilst there would be some adverse visual impact, particularly in the early years of development as the structural and other planting establishes, this would be localised. The development would be in a sustainable location with good access to facilities and subject to mitigation would have an acceptable impact on the wider highway network and provide a safe means of access. The scheme would not significantly impact on the residential amenity of surrounding properties, and the development would not give rise to flood risk elsewhere. It has also been demonstrated that ecological impacts can be adequately mitigated.
151. Having regards to the above, it is considered that the proposed development will be broadly in accordance with the SBLP, and furthermore, any adverse impacts that would result from this development would not “significantly or demonstrably” outweigh the benefits. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
152. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended).
153. With respect to the Natural England licence derogation tests, as the development is considered to be sustainable, and there are no adverse impacts that significantly and demonstrably outweigh the benefits, it can be concluded that it would be in the overriding public interest for Natural England to grant a licence, Consequently, it is considered likely that a Natural England licence would be granted. and that this element of the derogation tests is met.

RECOMMENDATION

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

- provision of 15% affordable housing units on site equating to 11 units;
- £133,049 towards improving offsite open space and recreational provision within Aycliffe North and Middridge Electoral Division;
- £49,680 towards improving access to healthcare provision in Aycliffe North and Middridge Electoral Division;
- £9,208 towards biodiversity improvement projects within Aycliffe North and Middridge Electoral Division

And subject to the following conditions:

Time Full

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

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

Plans

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

Drg. no. CD-WD10 (REV S) Chedworth plans and elevations received 28/04/2017

Drg. no. CDC-WD16 (REV P) Chedworth corner plans and elevations received 28/04/2017

Drg. no. WS-WD16 (REV V) Winster plans and elevations received 28/04/2017

Drg. no. SU-WD16 (REV W) Souter plans and elevations received 28/04/2017

Drg. no. HB-WD16 (REV T) Hanbury plans and elevations received 28/04/2017

Drg. no. RS-WD16 (REV T) Roseberry plans and elevations received 28/04/2017

Drg. no. SGD-01 Rev. B Single/double garages received 28/04/2017

Drg. no. GTC-E-SS-0012_R1-8_1_of_1 Substation pyramid roof detail received 28/04/2018

Drg. no. GTC-E-SS-0011_R1-8_1_of_1 Substation front gabled roof detail received 28/04/2018

Drg. no. GTC-E-SS-0010_R1-8_1_of_1 Substation side gabled roof detail received 28/04/2018

Drg. no. A075568-3 Rev. 01 indicative skylark plot locations received 17/10/2017

Drg. no. 225370 Rev. P1 bus shelter received 09/03/2018

Drg. no. A105405-1-3 Rev. A indicative bat box locations received 16/05/2018

Drg. no. C005 Proposed site access junction 28M ICD compact roundabout and off-site foot/cycleway improvements (new roundabout at Middridge Road/Greenfield Way not in place) received 05/07/2018

Drg. no. C007 Proposed site access junction 28M ICD compact roundabout and off-site foot/cycleway improvements (new roundabout at Middridge Road/Greenfield Way not in place) received 05/07/2018

Drg. no. EW-001 Rev. C location plan received 24/08/2018

Drg. no. AN-WD16 (REV L) Alnwick plans and elevations received 20/09/2018

Drg. no. CT-WD11 (REV F) Chatsworth plans and elevations received 20/09/2018

Drg. no. HT-WD16 (REV U) Hatfield plans and elevations received 20/09/2018

Drg. no. CHT-WD16 (REV P) Hatfield corner plans and elevations received 20/09/2018

Drg. no. EW-002 (REV N) proposed site layout (1:500) received 25/10/2018

Drg. no. EW-003 (REV M) proposed site layout (1:1000) received 25/10/2018

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies E1, E4, E11, E15, H19, T1, L1, L2, D1, D2, D3, D5, D8 and D9 of the Sedgfield Borough Local Plan.

Contaminated Land

3. The development hereby permitted shall not 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, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 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 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If 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

- (d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works
- (e) 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. 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 15. Required to be pre-commencement in order to ensure that this is no risk of contamination during groundworks.

Construction Management

4. No development or any works of demolition, shall be carried out until a Construction Management Plan has been 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:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

Noise Mitigation

5. No development, other than site remediation works, shall commence until details of noise attenuation measures to be incorporated in the site and construction of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures should be based upon the principles contained within the "Assessment of Noise Levels and Noise Amelioration Measures" by LA Environmental Consultants dated 02/08/2017. The approved noise mitigation scheme shall be implemented in accordance with the approved details and retained permanently thereafter.

Reason: In the interests of residential amenity having regards to Policies D1 and D5 of the Sedgfield Borough Local Plan and Part 15 of the NPPF.

Surface Water Drainage

6. No development, other than site remediation works, shall commence until the Hydraulic Calculations to verify the drainage scheme contained within the Flood Risk Assessment and Surface Water Management Strategy Rev. C dated 04/10/2017 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved foul and surface water drainage strategy.

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

Landscape Scheme

7. No development, other than site remediation works, shall commence until a detailed landscaping scheme including details of the structure planting and biodiversity mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths. - Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- A timetable for the implementation of the various elements of the landscaping scheme including the structural planting, biodiversity mitigation measures, general and estate landscaping.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales.

Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

Materials

8. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy D1 of the Sedgefield Borough Local Plan and Part 12 of the NPPF.

9. Prior to the commencement of construction at damp proof course or above, window and door details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy D1 of the Sedgefield Borough Local Plan and Part 12 of the NPPF.

Site Levels

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

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

Tree Protection

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

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

Open Space Maintenance

12. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space including the structural planting, SuDs and areas for biodiversity enhancement within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

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

Bus Stops

13. Prior to the occupation of the first dwelling both the new east and west bound public transport infrastructure shall be implemented in accordance with drg. nos. C007 and 225370 Rev. P1.

Reason: To promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Traffic Regulation Order

14. Prior to the occupation of the first dwelling a Traffic Regulation Order shall be made to support the scheme to relocate the existing 40mph to the western splitter island associated with the compact roundabout shown on drawing C005/C007. Thereafter the scheme shall be implemented in accordance with the approved details.

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

Highway Improvements

15. Prior to the occupation of the 5th dwelling the foot/cycle way improvement works as shown on drawings. C005/C007 shall be fully implemented.

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

Public Art

16. Within six months of the commencement of the development, a scheme for the provision of public art on site, together with a timetable for its implementation and future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall 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 Sedgefield Borough Local Plan and Part 12 of the NPPF.

Lighting Strategy

17. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting strategy shall thereafter be incorporated into the development.

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

Ecology Mitigation

18. The development shall only be carried out in accordance with the Ecology Addendum Mitigation Report ref. A105405-1 by WYG dated 21/08/2018.

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

Working Hours

19. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

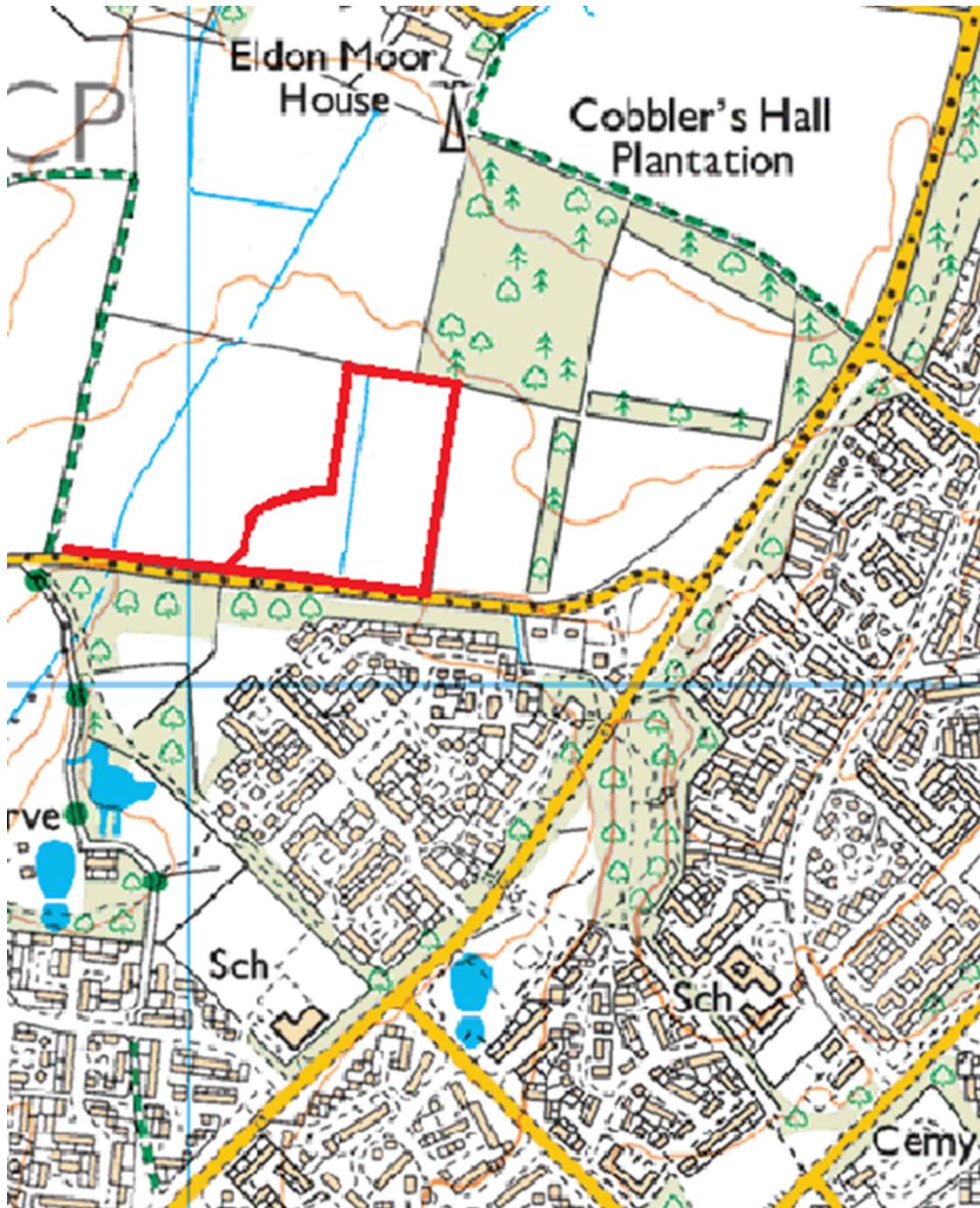
Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Ref: DM/17/01436/FPA
 Erection of 69 no. dwellings including access, landscaping and associated infrastructure (revised red line boundary to include landscape buffer 09/03/2018)
 Persimmon Homes (Durham)
 Land To The North Of Middridge Road, Newton Aycliffe

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Comments

Date 22nd November 2018

Scale Not to Scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00115/OUT
FULL APPLICATION DESCRIPTION:	Demolition of existing building and residential development (outline) 16 dwellings all matters reserved except access
NAME OF APPLICANT:	Ms Julie Wallace And Mr Paul Ridley
ADDRESS:	West Tees Ltd Gordon Lane Ramshaw Bishop Auckland DL14 0QB
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a former colliery yard, now in use as a building and farm supplies depot. It lies immediately to the north of Ramshaw between Gordon Lane, which forms the eastern and northern site boundaries, and Gordon Beck, which forms to south western boundary. It is currently occupied by the depot building, surrounded by hardstanding and storage areas.
2. The application is in outline for residential development of 16no. dwellings with access being the only matter not reserved for future consideration. As such, apart from the access details, the proposed site layout plan is treated as indicative.
3. The application is reported to the Planning Committee as it constitutes a proposal for major development.

4. PLANNING HISTORY

5. There have been various planning approvals for commercial uses on the site, but nothing of direct relevance to the application proposal.

PLANNING POLICY

NATIONAL POLICY

6. 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.

7. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
8. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
9. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
10. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
11. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
12. *NPPF Part 15 - 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:

13. The following saved policies of the Teesdale Local Plan are relevant to the application:
14. *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.

15. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *Policy ENV15 Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.
18. *Policy ENV16: Development Affecting Rivers Or Streams And Their Corridors* The district council will resist development, which would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.
19. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
20. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

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 -

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Highways Authority*: No objections. A number of detailed points have been raised, but are matters that can be addressed in any reserved matters application.
23. *Northumbrian Water*: No objections subject to drainage condition.
24. *Coal Authority*: No objection subject to further ground investigation.
25. *Environment Agency*: No objection, but the development will need to be carried out in line with the submitted flood risk assessment. This requires the houses to be positioned as shown on the indicative plan on the north eastern side of the site.

INTERNAL CONSULTEE RESPONSES:

26. *Education*: No objection, there are sufficient primary and secondary school places available to accommodate pupils from this development.
27. *Housing*: The Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the West delivery area has an affordable housing requirement of 15%, equating to 2 affordable units across this development.
28. *Drainage and Coastal Protection Team*: No objections, however we would expect appropriate limits on surface water discharge (to be restricted to Greenfield QBAR Rural Rate for all events and frequencies up to the 360 minute 1 in 100 year event) and the driveways should be constructed of permeable paving which will assist with water attenuation.
29. *Ecology*: No objection, but the mitigation detailed in the reports must be conditioned.
30. *Landscape*: No objection, residential development on this site is likely to improve the appearance of the area.
31. *Environmental Health (Noise)*: No objection.
32. *Environmental Health (Contaminated Land)*: No objection, but a contaminated land condition is required.

PUBLIC RESPONSES:

33. The application has been publicised by way of press and site notice. No responses have been received.

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:

34. Our planning application was made following receipt of a positive response to our Pre-Application Enquiry submitted in June 2016. In the Enquiry, it was explained that this family run business has operated from what is historically known as the West Tees Works at Ramshaw since 2007. The business sells building materials and farm supplies as well as steel fabrication work. The welfare of the business was badly affected by the recession which started in 2008 and despite much hard work from family members and employees, the plans for investment and growth of the business

have not come to fruition. Competition from new retail premises associated with the Tindale retail development and others around Bishop Auckland has exacerbated the failing viability of our business.

35. These concerns were expressed in our Enquiry in June 2016, and nearly 2 ½ years further on, the issues of the health of the business have only worsened, and the site is no longer considered to be a viable proposition from which a commercial operation can successfully trade. Thus the application before you is one which seeks to achieve a beneficial and desirable alternative for the use of this brownfield site, and rather than the site continue to decline and become unsightly, it is felt to be much more appropriate to create what would be an attractive entrance into the village of Ramshaw, and to provide additional housing in the settlement to support local services and facilities. The proposal for new housing is considered to be in a sustainable location, and it is hoped that members of the Committee will feel able to give their support to this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. 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, highways and flooding.

Policy Context

37. One of the key relevant policies in the determination of this application is Teesdale Local Plan Policy ENV1 insofar as it relates to the supply of housing. However, given the age of the local plan, this policy is not in full accordance with the NPPF and is considered to be out of date, and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.
38. This engages Paragraph 11 of the NPPF, which requires that in relation to this application, where the policies which are most important for determining the application are out of date, 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 as a whole.

Housing Land Supply

39. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
40. Whilst this supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is nevertheless clearly less than in instances where such a healthy land supply position could not be demonstrated.

Location

41. Ramshaw is grouped together with Evenwood in the County Settlement Study and classed as a local service centre due to a reasonable range of services and facilities being available and accessible. The site is immediately adjacent to the village, connected by a footway with street lighting. On this basis there is no conflict with the housing location aims of the NPPF.

Impact on the Character and Appearance of the Area

42. Although technically lying within the countryside, the site is not viewed as such. It lies immediately adjacent to the village and currently hosts industrial sheds and large areas of hardstanding, which are not entirely screened by the equally unattractive barb wire-topped boundary fencing. As a whole, the site does not make an attractive entry at the northern end of the village. The redevelopment of this brownfield site for housing therefore has potential to improve the appearance of the site and surrounding area.
43. As the application is in outline, the submitted layout plan is being treated as indicative, but it nevertheless demonstrates that the proposed development could be accommodated on the site, allowing for the required highways sight visibility splays adjacent to Gordon Lane and taking into account flood risk. The design of the dwellings will be important because of how they would closely address the road in a mostly terraced form, but that is the character of housing in Ramshaw so it should be possible to deliver an acceptably designed scheme. Accordingly, there is no conflict with Teesdale Local Plan Policy GD1 in this respect.

Highways

44. The site has a long established commercial use and currently hosts a sizeable commercial operation with associated commercial, staff and customer vehicle movements.
45. The scheme has been amended to take into account flood risk issues and now proposes a new access at the northern end of the site. The Highway Authority is satisfied that the access would be suitable to serve the development and that the traffic generated by the development, particularly in light of the current use, would not exceed local capacity.
46. The curvature of Gordon Lane does mean that the required sight visibility chord would be relatively large and therefore it will be necessary for this to be taken in account when designing the detailed scheme. The Highway Authority require this area to be dedicated as public highway and it will be necessary to ensure the area remains free from any obstruction in perpetuity. This can be secured via the S106 agreement. Some alterations may be required to the footways and street lighting at the front of the site, but that can be required to be addressed at reserved matters stage. Accordingly, there is no conflict with Teesdale Local Plan Policy GD1 in this respect.

Flooding and drainage

47. The application site sits partly within Environment Agency Flood Zones 1, 2 and 3 due to the close presence of the Gordon Beck, which flows north west to south east

along the south western boundary of the site. There is however an acknowledged misalignment of the mapped flood zones on site.

48. Ground level rises to the north and the south either side of Gordon Beck. The indicative details have been amended following initial objection from the Environment Agency and now aims to locate all dwellings at the north and eastern side of the site on the higher ground furthest from Gordon Beck. The Addendum to the Flood Risk Assessment suggests that when the flood maps are remodelled the dwellings will now be located in Flood Zone 1 and therefore the exceptions test does not have to be carried out. The Environment Agency has now withdrawn its objection on this basis, but notwithstanding the fact layout is a reserved matter, the area available for development is tightly limited and therefore a condition restricting the layout to that now shown is necessary to ensure the development is safe from flooding.
49. Furthermore, at present the site is entirely covered with impermeable surfaces and the development could lead to as much as a 50% reduction in impermeable area on the site. In combination with a new surface water drainage system to serve the development, open space along the beck and the use of permeable surfacing wherever possible, particularly, parking hard standing, there is likely to be no net increase in the peak rate or volume of surface water runoff. There are no objections from the Councils Drainage Section and Northumbrian Water, but the details of foul and surface water drainage will be required as part of the reserved matters.
50. There is no conflict with Teesdale Local Plan Policy ENV15 in respect of flood risk.

Ecology Impact

51. The site currently has very little ecological value, but it is located alongside a watercourse with an area of broadleaved woodland to the south west. As such, the site is close to an ecological corridor, which the development has potential to disturb.
52. However, as a result of the need to address flooding issues, the development would now take place further to the east of the site, which has in turn allowed for the creation of a soft woodland edge habitat and open space along the western site boundary adjacent to the watercourse. Not only would this help mitigate the impacts of the development on the wildlife corridor, but it would also deliver the ecological enhancements required by the NPPF at paragraph 170(d). This will however need to be secured by conditions. The Ecology Section has no objections.
53. Subject to securing the ecological enhancements, the development would accord with Policies ENV8 and ENV16 of the Teesdale Local Plan and aims of the NPPF.

Affordable Housing and Open Space

54. In line with saved Policy H14 of the Teesdale Local Plan there is a need for the provision of affordable housing in the area, equating in this case to the delivery of 2 affordable units on the development. This Policy is consistent with the NPPF in respect of delivering a wide choice of high quality homes and to create sustainable communities. With just 2 units, this could be Discount Market Sale secured in perpetuity by a S106 Agreement.
55. The applicant is willing to enter into a S106 agreement to secure the discount sale unit at the Council's affordable house price figure of approximately £100,000 and therefore, subject to the completion of the agreement, the proposal would make appropriate provision of affordable housing.

56. Policy H1A seeks the provision of open/play space within developments of 10 or more dwellings. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities.
57. The development of 16 family homes would increase the need and use of open space and recreation facilities. An offsite contribution of £25,042 towards the maintenance or improvement of open/recreation space in the locality is proposed along with a small on-site provision of appx 500m² of informal play/amenity open space to satisfy OSNA requirements and Teesdale Local Plan Policy H1A. The open space will also assist with infiltration of runoff towards the beck. This can be secured through the S106 agreement and conditions.

CONCLUSION

58. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
59. The proposal would provide social and economic benefits by adding 16 dwellings to the mix and supply of housing, but in light of the Council's healthy land supply, these factors are attributed less weight than they would if there had been a shortfall in housing land supply. The provision of affordable housing is however a benefit that carries substantial weight.
60. The redevelopment of a brownfield site and subsequent improvements to the visual amenity and character of the area is a significant environmental benefit which can be given substantial weight.
61. The ecological enhancements and open space provision/contributions are required to mitigate the impacts of the development and therefore these are neutral factors not benefits.
62. Having considered all matters, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. In this instance para. 11 of the NPPF advises that permission should be granted and accordingly the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Agreement to secure the required highways visibility splay, 2 affordable housing units and £25,042 towards the maintenance or improvement of open/recreation space in the locality, and the following conditions:

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

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.

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: 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 be carried out in strict accordance with the following approved plans in respect of those matters not reserved for later approval or otherwise required by any conditions:

Site Location Plan rec. 15th January 2018

Proposed Site Layout REV E (excluding detailed site layout) rec. 09th October 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Teesdale Local Plan Policies GD1, ENV1, ENV8, ENV15, ENV16, H1A, H14 and NPPF Parts 5, 8, 9, 12, 14 and 15.

4. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include details of provision of footways and the street lighting arrangements along Gordon Lane. Thereafter, these works shall take place in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interests of Highway Safety and in accordance with Policy GD1 of the Teesdale Local Plan.

5. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include provision for a minimum of 500m² of informal play/amenity open space and include details of the timing of provision and management arrangements. Thereafter the development shall take place in accordance with the approved details, timings and management arrangements.

Reason: To ensure the appropriate provision of open/play space to serve the development in accordance with Policy H1A of the Teesdale Local Plan and NPPF Part 8.

6. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include a detailed scheme for the disposal of foul and surface water from the development. Thereafter the development shall take place in accordance with the approved drainage details.

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

7. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include details of the materials for all hard-surfacing areas, which shall only be constructed in an imporous material where it is not possible to provide a permeable

alternative. Thereafter the development shall take place in accordance with the approved details and shall be retained as such.

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

8. The details to be submitted for reserved matters approval in accordance with condition 1 above shall be in accordance with the recommendations made within the flood risk assessment addendum SM FORSTER ASSOCIATES LTD August 2018, rec. 29th August 2018.

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

9. No development shall commence until an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site has been undertaken and the results of this survey together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use has been submitted to, and approved in writing by the local planning authority. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report to the local planning authority prior to first occupation of any part of the development. Should any unforeseen contamination be encountered in that phase or part of the development the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination shall be carried out to the written satisfaction of the local planning authority.

Reason: To ensure that risks from land contamination from past or current uses are minimised in accordance with policy GD1 of the Teesdale Local Plan and NPPF Part 11.

10. No development shall commence until the intrusive investigative works recommended within the mining report by SOLMEK dated July 2017 have been carried out and the results of said investigation together with a strategy for any remedial action deemed necessary to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, have been submitted to and approved in writing by the Local Planning Authority. Any remedial works shall be carried out in accordance with the approved strategy.

Reason: To ensure the safety and stability of the land sought for development having regards to Part 11 of the NPPF.

11. The development shall take place in accordance with tree protection measures, including protective fencing, within the Arboricultural Impact Assessment and tree protection plan By Dendra Ltd rec. 15th January 2018. The protective fencing shall be erected before commencement of development and retained throughout the construction period and no storage shall take place inside the protective fencing.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policies GD1 and ENV10 of the Teesdale Local Plan.

12. The hatched area indicating the visibility splay identified on Proposed Site Layout REV E rec. 09th October 2018 shall be dedicated as public highway before occupation of any dwelling and thereafter shall be kept clear of any obstruction in perpetuity.

Reason: To retain required visibility splays in the interests of Highway Safety and in accordance with Policy GD1 of the Teesdale Local Plan.

13. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include the Ecology enhancement and mitigation measures detailed within Ecological Appraisal, Otter and Kingfisher survey (Rec. 15th Jan 2018) and ecological enhancement plan (Rec. 09th October 2018), West Tees Works by Dendra Ltd, including details of the timing of provision and management arrangements. Thereafter the development shall take place in accordance with the approved details and shall be retained for the lifetime of development.

Reason: To conserve protected species and provide ecological enhancement in accordance with policies ENV8 and ENV16 of the Teesdale Local Plan and Part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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 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.

BACKGROUND PAPERS

Submitted application form, plans supporting documents;
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Teesdale Local Plan
The County Durham Plan (Submission Draft)
County Durham Settlement Study 2012
All consultation responses received

PLANNING DEVELOPMENT MANAGEMENT PERFORMANCE SUMMARY Q1/Q2 - 2018/19

Statistical information is collated on a quarterly basis on the performance of core elements of the Planning Development Service, as part of the Council's corporate performance management framework.

In particular, information on the numbers and types of planning applications received and the timescales taken for determination are collated, monitored and, compared with other local planning authorities, both regionally and nationally. More detailed information is also collected and analysed about key elements of the processes involved, to help inform and improve the overall delivery of the service.

In your role as decision-makers, it is important that key information about planning performance is shared with our planning committees. As a bi-annual update, the information provided below details the headline performance information for Q1 and Q2 in the 2018/19 period, covering April 2018 through to September 2018 (with the exception of comparator authority data which is for July 2017 to June 2018).

Headline facts (Q1/Q2 for 2017/18 figures in brackets for comparison)

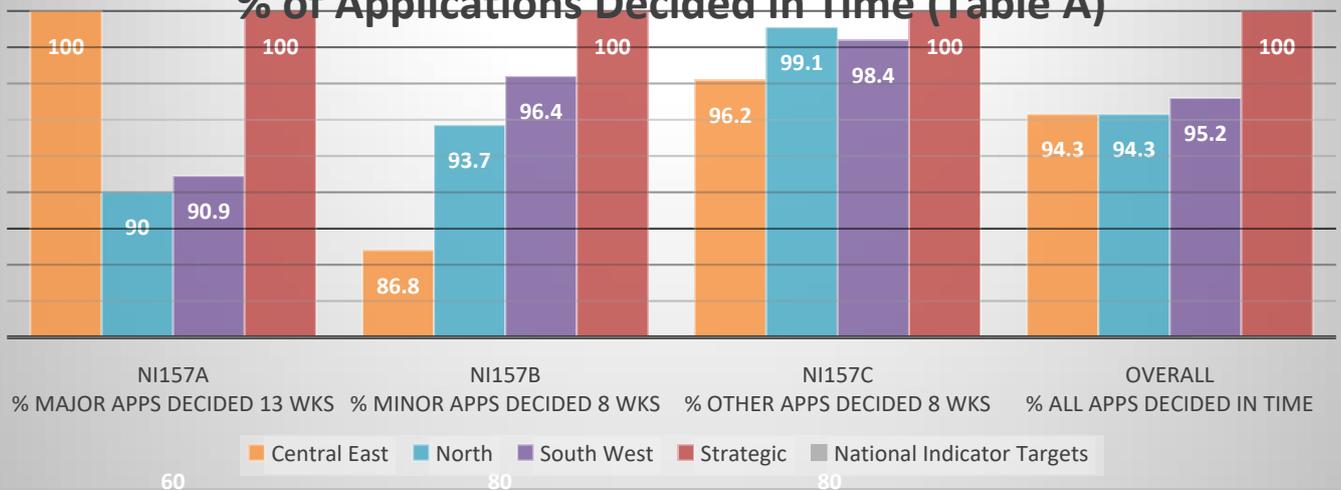
- 1326 (1444) planning applications were received of which 55 (70) were for major development.
- The number of 'major' planning applications determined within the statutory 13 week timescale was 96.3% (96.9%).
- The number of 'minor' planning applications determined within the statutory 8 week period timescale was 93.0% (89.8%).
- The number of 'other' planning applications determined within the statutory 8 week period timescale was 97.7% (96.7%).
- The number of all categories of planning application determined within the statutory timescale was 96.4% (94.7%).
- The number of Mineral and Waste applications determined within the statutory timescale was 100% (100%).
- There were 20 appeal decisions received, of which, only 1 was allowed.

In broad terms, the headline facts above show consistent, and in most cases, improved performance across key indicators for the last two quarters in comparison to the corresponding period last year.

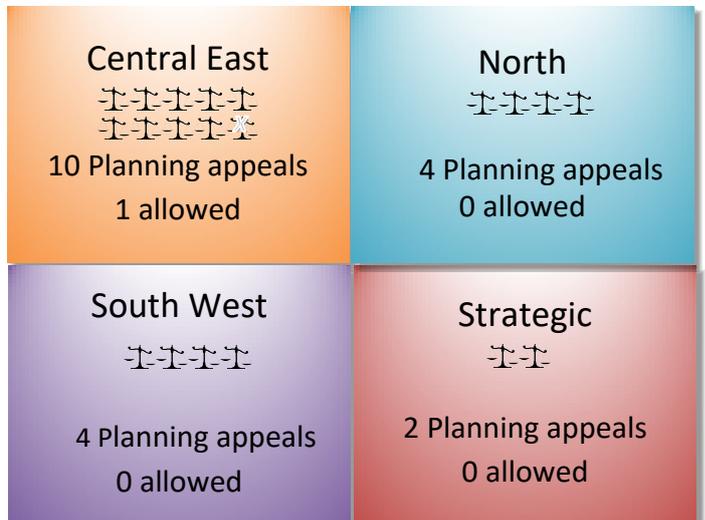
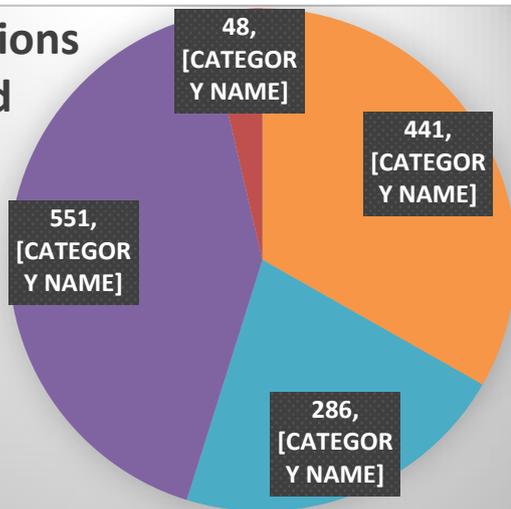
The tables below show the key results in more detail and with a breakdown reflecting the area planning teams which in turn serve the relevant planning committees. More detailed information relating to all the performance indicators measured by the service can be obtained upon request from Stephen Reed, Planning Development Manager.

PLANNING APPLICATIONS

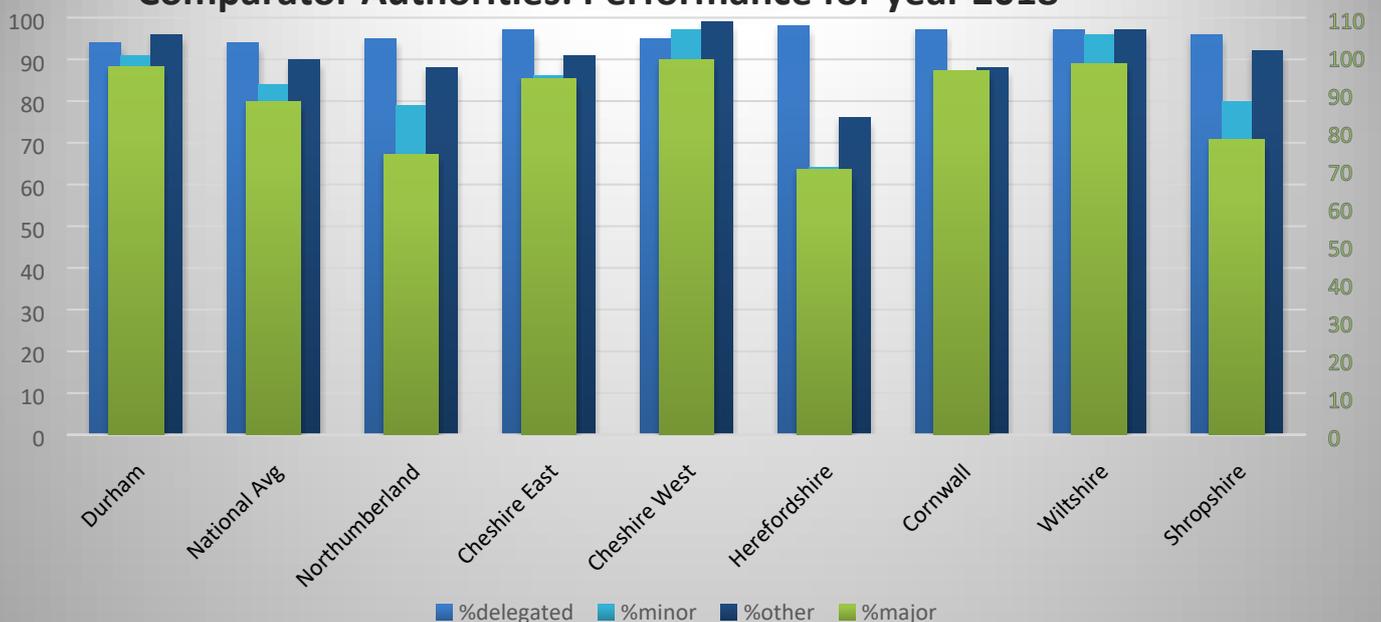
% of Applications Decided in Time (Table A)

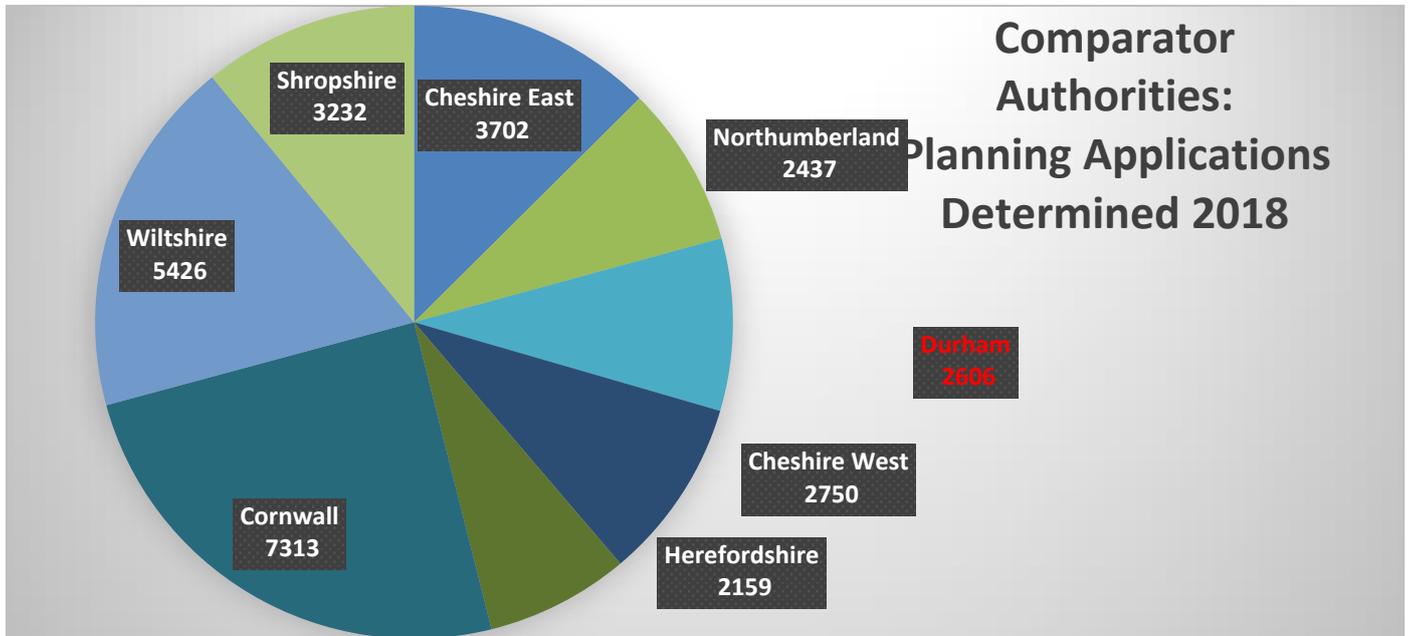


Applications Received

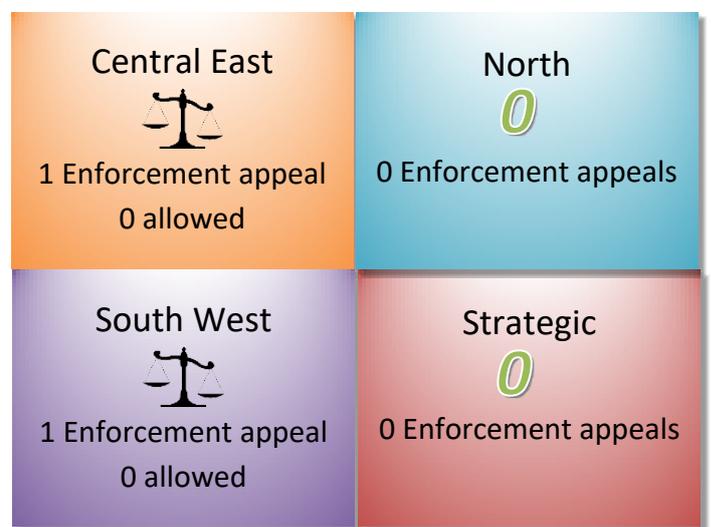
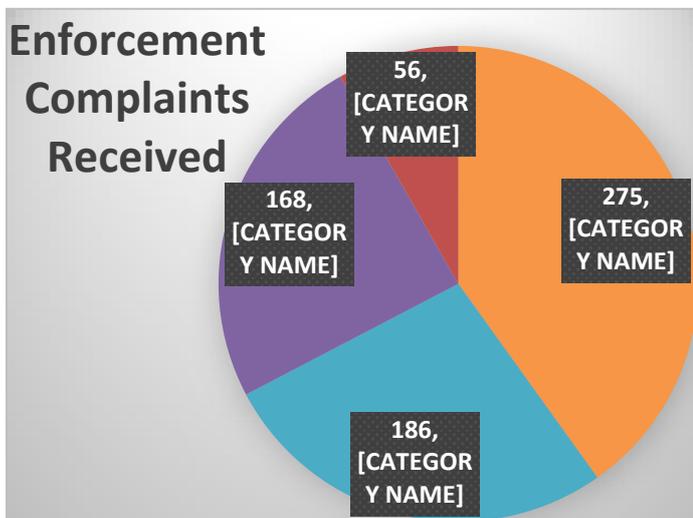
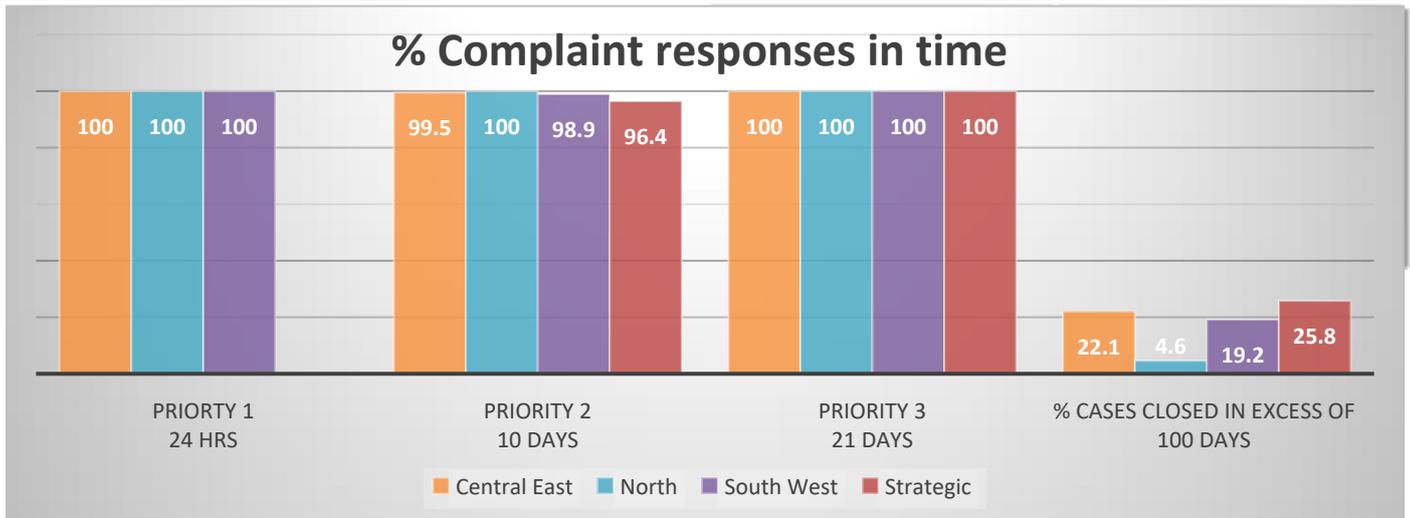


Comparator Authorities: Performance for year 2018





ENFORCEMENT



Area Office/Benchmark	NI157a – Majors - %	Total Apps	Apps Achd	NI 157 b - Minors - %	Total Apps	Apps Achd	NI 157 c - Others - %	Total Apps	Apps Achd
Central East	100.0	17	17	86.8	106	92	96.2	343	330
North	90.0	10	9	93.7	79	74	99.1	214	212
South West	90.9	22	20	96.4	165	159	98.4	318	313
Strategic	100.0	32	32	100.0	8	8	100.0	8	8
<i>Average 2017/18</i>	<i>97.6</i>			<i>89.8</i>			<i>96.3</i>		
<i>Target 2018/19</i>	<i>90.0</i>			<i>90.0</i>			<i>95.0</i>		
Overall Result:	96.3	81	78	93.0	358	333	97.7	883	863

Table B - Comparator Authorities: Delegation and Performance

Planning authority	Major developments		Minor developments		Other developments			
	Total decisions	Percentage of decisions delegated to officers	Total major decisions	Percentage within 13 weeks or agreed time	Total minor decisions	Percentage within 8 weeks or agreed time	Total other decisions	Percentage within 8 weeks or agreed time
England	426,352	94	15,095	88	124,213	84	287,044	90
Cheshire East	3,702	97	176	94	1,054	86	2,472	91
Cheshire West	2,750	95	110	99	810	97	1,830	99
Cornwall	7,313	97	245	96	3,270	80	3,798	88
Durham	2,606	94	148	97	762	91	1,696	96
Herefordshire	2,159	98	94	70	937	64	1,128	76
Northumberland	2,437	95	125	74	788	79	1,524	88
Shropshire	3,232	96	116	78	1,340	80	1,776	92
Wiltshire	5,426	97	195	98	1,286	96	3,945	97

Table C - Enforcement Investigation Performance

Area Office/Benchmark	Priority 1 -24 hours %	Total Apps	Apps Achd	Priority 2 -10 day %	Total Apps	Apps Achd	Priority 3 - 21 days %	Total Apps	Apps Achd	Cases close 100+ days %	Total Cases	100+
Central East	100	1	1	99.5	193	192	100	77	77	22.1	331	73
North	100	2	2	100	131	131	100	44	44	4.6	173	8
South West	100	8	8	98.9	89	88	100	59	59	19.2	120	23
Strategic		0	0	96.4	55	53	100	2	2	25.8	31	8
<i>Average 2017/18</i>	<i>100</i>			<i>98.3</i>			<i>99.7</i>			<i>18.8</i>		
<i>Target 2018/19</i>	<i>100</i>			<i>100</i>			<i>100</i>			<i><20</i>		
Overall Result:	100	11	11	99.1	468	464	100	182	182	17.1	655	112