



Area Planning Committee (South and West)

Date **Thursday 15 December 2016**
Time **2.00 pm**
Venue **Council Chamber, 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 17 November 2016 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/16/02668/FPA - Brown Jug, Evenwood Gate (Pages 9 - 20)
Erection of 13 dwellings
 - b) DM/16/03101/OUT - Land Opposite High View Country House, Low Road, Kirk Merrington (Pages 21 - 38)
Outline application (all matters reserved except access) for the erection of up to 46 dwellings with associated infrastructure
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
7 December 2016

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

Councillor H Nicholson (Chairman)
Councillor M Dixon (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,
L Taylor, C Wilson and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 November 2016 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, J Maitland, A Patterson, G Richardson, L Taylor, C Wilson and R Lumsdon

1 Apologies

Apologies for absence were received from Councillors M Dixon, C Kay, S Morrison and S Zair.

2 Substitute Members

Councillors R Lumsden and J Maitland substituted for Councillors M Dixon and S Morrison respectively.

3 Declarations of Interest (if any)

Councillor R Lumsden advised that she was Local Member in respect of application no. 5 c) however she approached the application with an open mind and would consider all issues before deciding upon the application.

4 Minutes

The minutes from the meeting held on 20 October 2017 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

6 DM/16/03231/OUT - Garage site at Biscop Crescent, Newton Aycliffe

Consideration was given to the report of the Planning Officer regarding an application for the demolition of existing garages and erection of 1 no. bungalow at Biscop Crescent, Newton Aycliffe.

The Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor J Hillary could not be in attendance and had therefore submitted a statement to be read out on his behalf, as local member. He referred to a petition

which was sent to the Council in February 2016 with regards to the provision of off-street parking in Biscop Crescent. Should the garages be demolished, this would exacerbate the parking problems as tenants would have to find alternative parking and therefore although the housing may be of benefit to the applicant, it would be of detriment to the community.

In response to a query from Councillor Boyes, the Planning Officer confirmed that that the petition had not been submitted with regards to the planning process and was not in relation to the application. Although three existing garages were being demolished, there had been no responses from neighbouring properties and no issues with regards to parking had been raised.

Councillor Davidson confirmed that he could see no reason to refuse and therefore moved the recommendation as outlined in the report.

Councillor Clare confirmed that the proposal for bungalows was welcome as there was a shortage in the area, however he was disappointed that the application would not provide replacement parking and queried why this went against the company's charitable objectives. There was a shortage of parking in the area and local members received regular complaints from residents about this. Highways had no objections with regards to road safety however this did not take into consideration the residential amenity implications of living in the area due to the ongoing parking situation. Councillor Clare queried whether consideration could be given to conditioning the planning permission or providing a Section 106 agreement to provide for off-street parking on an alternative site near to the two application sites under consideration. He added that there were many planning applications from the same applicant to remove existing garage sites and building properties, therefore the Committee should consider the impact of the additional cars being moved on to the street.

The Planning and Development Solicitor confirmed that imposing a condition or Section 106 agreement was an option, should Members feel that they would refuse the application in the absence of such, and the necessary test requirements were satisfied.

The applicant was invited to speak and confirmed that there were currently 7 applications to redevelop garage sites. Livin owned 2500 garages with a 60% occupancy and in low demand areas, or areas which required significant investment, the garages were unviable. He confirmed that there was a £5m investment scheme for the refurbishment of existing garages that were in higher demand, so these could be let. It was not clear how many garages were now used for vehicles as many were not big enough for modern cars and used for storage. With regards to this application site, one of the garages was vacant. Tenants were to be offered to the option of relocating to an alternative site where possible, should they require.

Councillor Boyes confirmed that there did not seem to be a demand for vehicle use of the garages and the Committee should not jeopardise an application which provided affordable housing.

Councillor Davidson queried whether the applicant could demolish the garages independently and the Planning Officer confirmed that if required, the applicant could serve notice to vacate the premises and demolish the garages.

Councillor Armstrong seconded the recommendation as outlined in the report.

Resolved

That the application be approved as outlined in the report.

7 DM/16/03232/OUT - Land to the east of 10 Hatfield Road, Newton Aycliffe

Consideration was given to the report of the Planning Officer regarding an application for the demolition of existing garages and erection of 2 no. dwellings at Land to the East of 10 Hatfield Road, Newton Aycliffe.

The Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor Clare reiterated his concerns regarding parking and hoped the applicant would consider it a community obligation to provide some degree of alternative parking, however he agreed that there was no evidence to confirm that the garages were used for vehicles and acknowledged the benefits of the housing to be provided.

In response to a query from Councillor Armstrong, the Planning and Development Solicitor confirmed that to condition the application, alternative parking would have to be provided elsewhere on land owned by the applicant, which could be difficult to link to the residents local to this site.

Resolved

That the application be approved as outlined in the report.

8 DM/16/01450/OUT - Land South Of Beacon Avenue, Beacon Lane, Sedgefield

Consideration was given to the report of the Planning Officer regarding the resubmission of a refused application for the proposed residential development of 34 dwellings at Land South of Beacon Avenue, Beacon Lane, Sedgefield.

The Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor G Willis, Sedgefield Town Council, addressed the Committee in objection to the application. The same application had been considered in May 2015 and Councillor Willis had attended that meeting to address concerns on behalf of the Town Council and local residents. This land had been a positive attribute of the village for over 100 years and as contained in the Planning Inspectorates decision to dismiss the appeal, this proposal would affect the character and appearance of the area. With regards to the description of the proposed affordable housing as

'much needed' Councillor Willis argued that there was no evidence to support this as there were 400 homes unoccupied within Sedgefield, many for sale or to rent. The area was known to command a premium for sales or rent, with houses selling for the highest market value and Landlords expecting the highest rental yield. The cost of affordable homes would therefore come at a premium and referring to a site at Cunningham Court, Councillor Willis confirmed that many of the affordable housing on site struggled to sell and buyers had subsequently moved out and rented the properties, against the legal agreement which supposedly ensured benefits were passed on to future purchasers. The clauses to protect the affordable housing had been completely removed upon resale of the properties and therefore could not be protected. With reference to the appeal decision, Councillor Willis reiterated the conclusions of the Inspector and concluded that the proposal did not contain suitable affordable housing provision, the job creation would be transitory and therefore of no significant benefit, and the benefits would not outweigh the permanent harm to the area. She urged Members to consider the value of this land to local residents and refuse the application for the reasons outlined in the report.

Councillor J Robinson, Local Member, addressed the Committee and complemented the Senior Planning Officer for the content of the report. This proposal had already been rejected by the Committee and the Planning Inspectorate. He agreed with the issues which had been raised by Councillor Willis relating to affordable housing and also queried the number of units being provided – 10% of 34 would equate to 3.4 houses. With reference to the development at Eden Drive, which had been refused twice and then overturned on appeal, he confirmed that this development would take up 75% of the Green Wedge and should this application be approved, a further 10% of the Green Wedge would be lost. This completely undermined the Sedgefield Borough Local Plan which had specifically referenced the protection of valued landscape such as this. The addition of 34 houses would no doubt increase traffic within the village, which already had significant road safety issues which needed addressing, and it would place pressure on local schools which were already operating to full capacity. With regards to the statement from Northumbrian Water Ltd, Councillor Robinson referred to the repetitive nature of the comments which had also been recorded on the land South of Eden Drive report. He queried the point at which the Sewage Treatment Works be at capacity and no longer be able to accommodate additional housing estates, given the decision of the Planning Inspector in October 2016 with regards to an application for 300 houses. Finally, the land was of historical interest and had remained untouched, he therefore urged the Committee to refuse the application.

Mr Patrickson was in objection to the proposal as a local resident who had lived in the village for 16 years. The land was of pleasant visual appearance at the entrance to the village and a valuable asset. The recent decision of the Planning Inspectorate would allow the erection of 300 dwellings on the site South of Eden Drive and in addition there was development in nearby Wynyard, of which residents were registering with GP surgeries and schools in Sedgefield, placing additional burden on facilities. The erection of 3/4/5 bedroom homes could increase the population of Sedgefield by 20%, not to mention exacerbate the Sewage Works issues.

Mr Hedley, the applicants Agent, was disappointed with the recommendation in the report and with some of the comments made. The report relied on out of date Policies which were no longer relevant and he referred to the weight given to the Green Wedge and confirmed that this was something which had been queried when the previous application was determined. Referring to the Planning Inspectorates decision to dismiss the appeal, Mr Hedley confirmed that the two main reasons for refusal related to the impact on the character and appearance of the area and the provision of affordable housing. Mr Hedley referred to the impact as being localised and limited to the loss of the field as the development would ensure the enhancement of Stockton Road following the planting of a 1.5m hedgerow. There was adequate provision for affordable housing, with 10% being offered and a 5m buffer zone to minimise the impact to the area. Mr Hedley summed up by confirming that the reasons for refusal relied on incorrect Policies, the impact was localised, the land was not within a conservation area and the development did not adversely affect the character of the local landscape.

The Planning and Development Solicitor confirmed that although the Planning Authority had legal powers to decline a repeat application, the applicant had attempted to address the concerns identified by the Planning Inspectorate and therefore the application had been accepted.

The Senior Planning Officer referred to Para. 62 of the report which provided an explanation with regards to the consideration of the Policy relating to the Green Wedge, and the adverse impact on the rural approach to Sedgefield.

Councillor Patterson commented on the views of open countryside on driving into Sedgefield and should this application be approved this would severely impact the rurality of the village and the amenity of local residents. With reference to Councillor Robinson's statement at the last meeting, she confirmed that he had confirmed in detail, the historical nature of the land and that was still relevant. Councillor Patterson therefore moved the application for refusal, for the reasons outlined in the report.

Councillor Davidson commented on the compelling reasons for refusal outlined in the report and seconded the recommendation to refuse.

With reference to the response received by Northumbrian Water, Councillor Lumsdon queried whether it could be assumed the development was sustainable considering the need for sewage investment works. In addition, the harm had been referred to as being localised and Councillor Lumsdon considered that all harm could be described as being localised. The application had been subjected to a rigorous process, which had included the previous refusal and the assessment of the Planning Inspectorate. Councillor Lumsdon concluded that there had been a well informed decision made which further supported recommendations for refusal.

Resolved

That the application be refused for reasons outlined in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/02668/FPA
FULL APPLICATION DESCRIPTION:	Erection of 13 dwellings
NAME OF APPLICANT:	Mr Mark Fenwick
ADDRESS:	Brown Jug 39 Evenwood Gate DL14 9NW
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 lies immediately adjacent to the A688 at Evenwood Gate on the north west side of the road. The site previously hosted the Brown Jug Inn which has now been demolished. To the north west of the former car park is an area of scrub and paddock land. To the north/north east is a residential property and former agricultural buildings. To the south west is agricultural land. Across the road to the south east is a line of Terraced properties. The parking, hardstanding and garden areas lie outside the development limits of Evenwood Gate, but the whole of the site can be regarded as previously developed land.
2. The application seeks full planning permission for the erection of 13no. residential properties which would be provided in a mixture of 3 bedroom terraced and semi-detached houses. Vehicular access would be provided from the A688.
3. The application is reported to the Planning Committee as it is a major development.

PLANNING HISTORY

4. Outline permission for 13 dwellings on the site has been granted twice previously ref: 6/2007/0587 & 6/2013/0147. The most recent permission was only issued in June this year after the S106 agreement was finalised. The site therefore benefits from extant outline permission for 13 dwellings.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy

Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

LOCAL PLAN POLICY:

11. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
12. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
13. *Policy 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.
14. *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.
15. *Policy H4 infill Development on sites less than 0.4ha.* Small scale housing will be permitted on sites less than 0.4ha comprising previously developed land within the development limits of named settlements (including Evenwood Gate).
16. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
17. *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 -

18. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Evenwood and Barony Parish Council:* The parish council has concerns over vehicle access straight on to the busy main road, and just by the island. The residents waited years to get a speed restriction put in through Evenwood Gate because of the speed and volume of vehicles. The volume remains high and this proposed access to any development is considered to be in the wrong place. A recent survey showed 85% of vehicles were speeding through Evenwood Gate. With that the parish council would like to see all appropriate measures to reduce possible dangerous access on to the road.
20. *Highway Authority:* Parking provision is acceptable. The internal road and footways are in principle suitable for adoption. A swept path exercise has demonstrated that the proposed A688 junction positioning is acceptable. New A688 footways will be required along the complete A688 frontage. These are not adequately shown however this can be covered by a planning condition related to the submission of full engineering details. Revisions are required to the A688 road markings in relation to the proposed access junction. This will also be part of such works as will the measures to backfill the cellar and remove the associated access doors which will become redundant.
21. *Northumbrian Water:* No objection.

INTERNAL CONSULTEE RESPONSES:

22. *Drainage and Coastal Protection:* There is no commitment to apply sustainable drainage techniques for discharging surface water and sustainable drainage systems should be applied unless demonstrated to be inappropriate.
23. *Affordable Housing:* The proposal is to deliver 13 units. The SHMA requires a 15% affordable housing requirement in the West of the County. Discount Market Sale product would be acceptable.
24. *Landscape Section:* The site is not within any locally or nationally designated landscape. The loss of trees T1 and T2 is not contested. Tree group G1 raises a number of issues. It makes a positive contribution to the locality, without being of any particular arboricultural merit. It is outside the site, is believed to be under separate ownership, and should normally be protected. Its roots may extend onto the site under the former car park. Tree Constraints Plan has not been submitted showing the Root Protection Area of this tree. Some replacement planting should be provided as part of a comprehensive landscaping scheme including details of the boundary treatments. The road frontage should retain, or replicate, the stone wall fronting the south west portion of the site.
25. *Design and Conservation:* The revised scheme is undoubtedly more cohesive and the palette of materials more closely related to the surrounding area. The use of a simple terraced approach to the highway edge of the site without the pitched gables would have helped considerably to integrate the development in to the

surrounding streetscape. This said this is not considered sufficient grounds to sustain reasons for refusal. The window and door detailing should be controlled by condition as it remains unacceptable. Overall subject to appropriate conditions there is no objection to this proposal.

26. *Environmental Health (Noise)*: The development would involve the introduction of housing to a potentially noisy environment adjacent to the A688. A condition should be attached which require the submission of a noise report to determine the need for mitigation measures within the properties.

27. *Ecology*: No objection. No further comment other than to say that should site works begin during the bird nesting season then a suitably qualified ecologist should carry out a pre-check for nesting birds.

28. *Contaminated Land* – Contaminated land condition required.

PUBLIC RESPONSES:

29. The application has been publicised by way of site notice and neighbour notification letters. Letters of objection from 5 addresses have been received.

30. Number of properties on site should be reduced. Concern in relation to highways safety aspect of proposed traffic joining the A688 and in relation to level of parking provided within the development. Concern over the impact of the development on wildlife and trees on and close to the application site. Suggestion properties should be set back further from the main road. Timber boarding would not be an appropriate material for the site. Development would offer a poor outlook for potential future residents.

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

APPLICANTS STATEMENT:

31. Marfen Homes Ltd would like the opportunity to develop the former Brown Jug to provide a high quality development of 3 bedroom family homes. The site has had a history of potential development but has never realised that potential but if planning is granted Marfen Homes are committed to build at the earliest opportunity, we hope and believe that the new development will be a positive contribution to Evenwood Gate and see the development finally reach its full potential.

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, Impact on the character and appearance of the area, highways and other issues.

Principle of development

33. The principle of residential development of 13 dwellings on the site has already been established with the issue of outline permission in June this year.
34. However, as this proposal is a full application rather than a reserved matters submission, it is in effect a fresh application. Nevertheless, the recent outline permission was issued under the current planning policy context and therefore it is a factor that carries significant weight.
35. The need for a full application arises only out of the highways requirement for a turning head, which is to be provided on land that was not included in the outline permission. This small element does not significantly alter the nature and character of the proposal from that recently approved in outline.
36. The proposal will deliver economic and social benefits through construction jobs and provision of family homes with related support and use of local facilities and services in Evenwood and the wider area. The redevelopment of a previously developed site, which has for a long time detracted from the visual amenity of the area, is also a significant environmental benefit.
37. The proposal therefore represents a sustainable form of development in accordance with the NPPF aims of housing delivery and reuse of previously developed land. Accordingly, in light of the current context where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The detailed matters will be considered below.

Impact on the character and appearance of the area

38. The houses would be contained wholly within the established boundaries of the previously developed site, closely associated with existing residential development which sits across the A688 from the development site. Only the new turning head would extend beyond the current site boundary, but this would be into an area of scrub and paddock associated with the adjacent bungalow, rather than an incursion into open countryside. Accordingly there would be no wider landscape impacts.
39. There is a Beech and a Birch tree on the south western side of the development site that would have to be removed. The roadside tree has high amenity value, but both trees are severely compromised by major decay and therefore their removal is not contested. The self-set multi stemmed group of trees on the north eastern boundary of the development site are category C categorised, which means they are of lower quality with limited landscape benefits. The benefits of redeveloping the site significantly outweigh the loss of those trees.
40. The two storey semi-detached and terraced properties proposed would generally relate appropriately in character, scale and materials types to existing properties. Samples of precise materials will however be necessary, particularly as the brick type chosen is a bit too light. This can be secured by condition. Enclosures are not specified so it will also be necessary to condition submission of details.

41. The design of the dwellings would have been better without the front gable feature; however it is not something that renders the proposal unacceptable. Design and Conservation would also prefer to see a different style and appearance of windows and doors, but in the context of the area which has no strong design character and where there is a wide variety of modern windows and doors in the terraces opposite, it would be against NPPF guidance to be overly prescriptive in the absence of strong justification. The contemporary design of the windows and doors are not wholly inappropriate to the nature of the proposed development.
42. The separation distance from the opposing terrace would be appropriate to ensure that there would be no significant impact on amenity of other residents nearby the site. Separation distances between properties within the development are generally in excess of those normally sought, although a slightly shorter separation distance of 16m would exist between the rear elevations of plots 5-7 and the front of plots 12 and 13. However, increasing this separation distance would require the shortening of already modest back gardens, or the loss of properties on the site. Private Garden areas would be modest, but not unusual for housing schemes towards the lower end of the market where this development would be placed.
43. Ultimately, it is acknowledged that this site desperately needs redevelopment having been in a derelict/transient state for a number of years and this proposal would deliver an appropriate form of development without any significant conflict with the design aims of NPPF Part 7 and Teesdale Local Plan Policies GD1 and H12.

Highways

44. The Parish Council and some neighbouring residents have expressed concerns about the new access and parking provision; however, the Highway Authority is satisfied that the internal parking provision, at two spaces per property, is acceptable, as is the new access onto the A688. The internal highway layout, including the provision of the turning head at the north of the site has responded to Highway Authority comments and is acceptable. Other local concerns raised about the speed limits through the village are beyond the scope of this application.
45. Conditions would secure the submission of full engineering details for the estate roads, footway provision and revised road markings, as requested by the Highway Authority.
46. The NPPF at Part 4 notes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance.
47. On this basis and given the acceptance of the scheme by the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

48. The recent outline permission secured 15% affordable housing (2 units) and £13,000 off site open space contribution, in line with Teesdale Local Plan policies H14 and H1A.
49. This proposal still offers £13,000 open space contribution, but just 1 affordable unit, which the Housing Section agrees can be discount market sale. The reduction from 2 to 1 affordable units is on viability grounds and is supported by a detailed viability assessment which shows that providing two affordable dwellings on the site would render the project financially unviable. It is not unusual to re-evaluate schemes once the details have been finalised and given the development is aimed at the more affordable end of the housing market anyway, and in an area with low returns, the conclusions of the viability appraisal have been accepted. The scheme would still deliver one affordable dwelling and an appropriate open space contribution, along with the other social, economic and environmental benefits referred to earlier in this report. There is no conflict with Teesdale Local Plan Policies H1A and H14. The affordable unit and open space contribution will need to be secured by a new S106 agreement.

Other matters

50. The properties would be positioned closely adjacent to a busy road, and it is likely that associated road noise would affect the site. With this in mind a condition is attached requiring mitigation in this respect which will likely involve construction techniques/materials to reduce road noise impact within the dwellings.
51. The site is previously developed for commercial purposes and the dwellings proposed would be a more sensitive receptor, as such a contaminated land condition is included within the application.
52. The site has been subject to an Archaeological investigation but no significant archaeological resources have been identified meaning that no further archaeological investigation is considered necessary.
53. The Ecology section has considered the implications of the development on local ecology interests and has raised no objections to the application.
54. The drainage details submitted have not sufficiently demonstrated that appropriate consideration has been given to the sustainability hierarchy and therefore further details will be required, but these can be secured by condition.

CONCLUSION

55. The proposal represents a sustainable form of development on previously developed land that already benefits from extant outline permission for 13 dwellings. The scheme would relate appropriately to the character and appearance of the area and is acceptable in highways terms.
56. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the relevant policies of the Teesdale Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the conclusion of a section 106 agreement to secure 1 affordable housing unit at discount market price at the site, £13,000 contribution towards open space provision in the Evenwood Electoral Division, and subject to the following conditions;

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

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

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

Proposed Site Plan 2016/MF2/02

Proposed Drainage Plan 2016/MF2/03

House Plans 2016/MF2/04

Typical Elevations 2016/MF2/05

House Plans 2016/MF2/10

Typical Elevations 2016/MF2/06 27th October 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 10 and 11 and Teesdale Local Plan Policies GD1, ENV3, ENV8, ENV15, H1A, H12 and H14.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

4. Prior to their installation, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale Local Plan.

5. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

6. No development shall take place until measures for protecting the future occupiers of the development hereby permitted from noise from the A688 have been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme

shall be completed before any part of the development is occupied and shall thereafter retained.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale Local Plan.

7. No development shall commence until plans showing full engineering details of the proposed estate road, new A688 footway and revised A688 road markings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

8. No individual dwelling shall be occupied until its two allocated parking spaces have been made available for use and thereafter the parking spaces shall remain unobstructed and available for the parking of private vehicles at all times.

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

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

(a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, 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 and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

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

Completion

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out

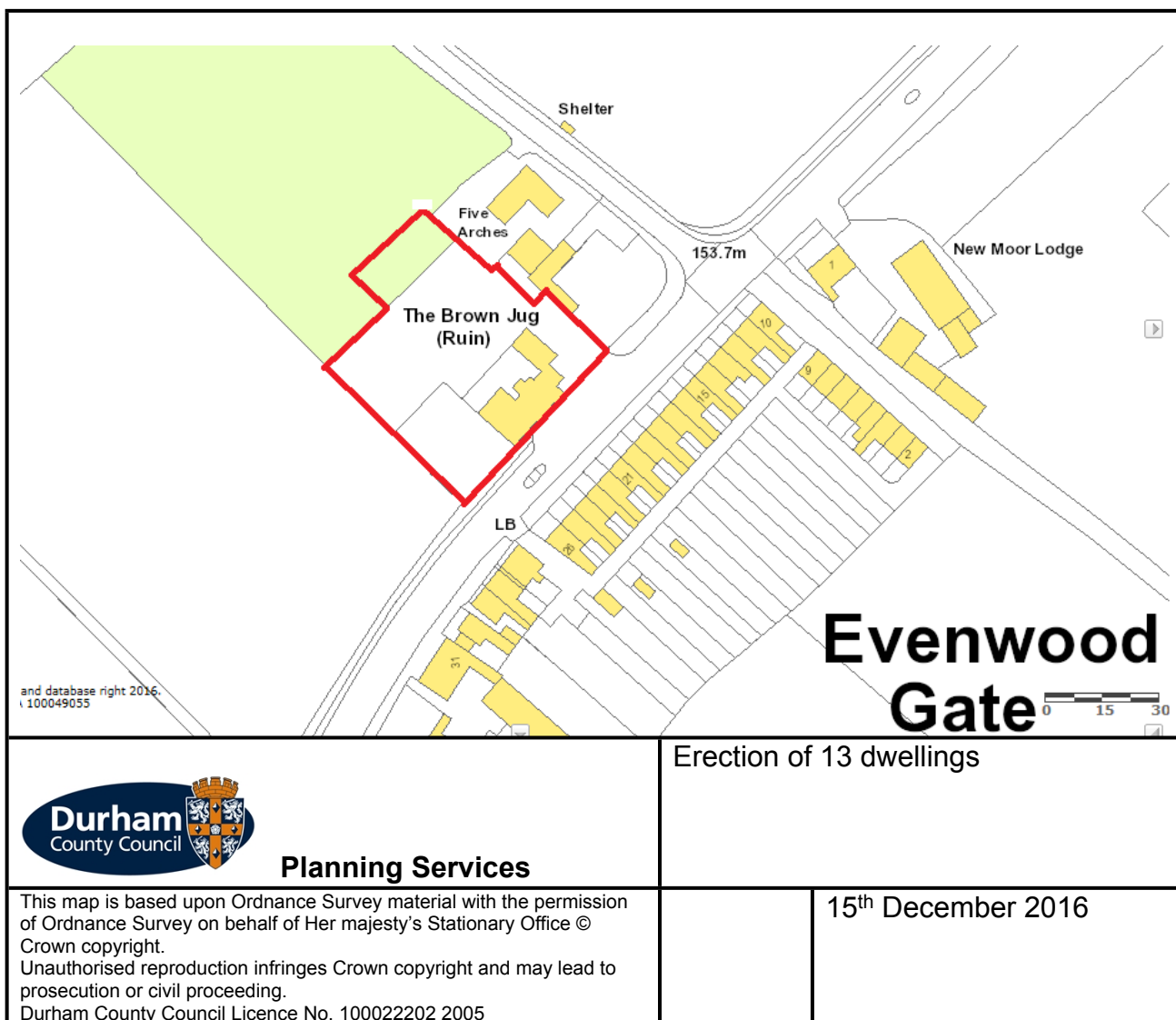
safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

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. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

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 Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/03101/OUT
FULL APPLICATION DESCRIPTION:	Outline application (all matters reserved except access) for the erection of up to 46 dwellings with associated infrastructure
NAME OF APPLICANT:	My Wayne Baister, Initial Group
ADDRESS:	Land Opposite High View Country House, Low Road, Kirk Merrington, County Durham
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an undeveloped parcel of agricultural land measuring 2.1ha in area located on the north-western edge of the village of Kirk Merrington. A level change is evident across the site, with the gradient falling away in a south westerly direction from the eastern boundary which forms the existing settlement limit of Kirk Merrington. Agricultural fields and a group of isolated buildings are located to the south of the site and to the west there are open fields. The adopted highway Low Road and two isolated dwellings are located to the north, beyond which lie agricultural fields. Two Public Rights of Way cross the site in an east-west direction. The site is located outside the settlement limits outside the village and also the Kirk Merrington Conservation Area. To the east the site is bordered by residential properties and a Public House fronting the highway West View.

The Proposal

2. Outline planning permission is sought for the erection of up to 46 dwellings, with all matters except access reserved for future consideration. Planning permission has been refused twice within the last 2 years for similar schemes that seek to establish the principle of residential development on the land. There have been some amendments to the last proposal considered in July 2015 including altering the red line boundary to omit the retail food store between the Public House and bungalows on the West View road frontage. The housing numbers have also been reduced from 49 to 46 and a landscape parameter plan has been submitted which seeks to provide additional certainty over the form and scale of development. The positioning of dwellings on the indicative layout is largely the same as previously indicated although properties are now shown to be set back further from the northern boundary. However in all other respects the application remains the same and

dwelling would remain a mix of semi-detached and detached houses and bungalows arranged around a series of cul-de-sacs. An upgraded vehicle access would be provided from an existing field access on to Low Road and would involve the removal of a section of existing hedgerow and a tree to improve site visibility. The indicative layout shows that landscaping buffers and protective zones would be provided to the northern, western and south western boundaries.

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

PLANNING HISTORY

4. Two previous applications for outline residential development were refused in December 2014 and July 2015 by the South and West Planning Committee. The reasons for refusal were very similar (the former made reference to the emerging plan) and the most recent refusal reasons stated:-
 1. The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.
 2. The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.
5. Consideration has previously been given to the suitability of the site to meet the projected demand for housing in the County Durham Plan through the Strategic Housing Land Availability Assessment (SHLAA). Following appraisal the site has been rated Amber due to the edge of settlement location with poor access to services and facilities. The site was considered to result in significant adverse landscape and visual impact, and have a detrimental impact on the Conservation Area.
6. Planning Permission for a housing development on part of the site was refused in 1988 and subsequently in 1989 based on a similar site area.
7. Planning permission for three bungalows on the land adjacent to the PH (formerly included in the above 2014 and 2015 applications in association with a retail store) was granted in December 2015.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.

9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

18. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

19. Policy E1 (Maintenance of Landscape Character) Sets out that the Council will seek to encourage the maintenance of distinctive landscape areas by resisting proposals that would damage the character and appearance of the River Wear Valley and requiring that landscaping features fit into a development proposal.
20. Policy E11 (Safeguarding sites of Nature Conservation Interest) Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
21. 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.
22. Policy E18 (Preservation and Enhancement of Conservation Areas) Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
23. Policy H8 (Residential Frameworks for larger villages) Outlines that within the residential framework of larger villages residential development will normally be approved.
24. 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.
25. Policy L1 (Provision of sufficient open space to meet the needs for sports facilities, outdoor sports, play space and amenity space) Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
26. Policy L2 (Open Space in New Housing Development) Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
27. 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.

28. 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.
29. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
30. 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.
31. Policy D8 (Planning for Community Benefit) Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Spennymoor Town Council* – No comments received
34. *Highways Authority* – Reiterate previous advice in that although the development falls below the threshold requiring a formal Transport Statement the submitted statement has been reviewed and is deemed to be acceptable. No objections are raised regarding the proposed access on highway safety grounds. The surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development and satisfactory visibility splays could be achieved.
35. *Northumbrian Water* – No objection to the development on the provision that it is carried out in strict accordance with the submitted Flood Risk Assessment.

INTERNAL CONSULTEE RESPONSES:

36. *Planning Policy* – Raise objections. It is considered that the scheme conflicts with the general aims of the SBLP as the site is outside the residential framework contrary to policy H8. This is considered to be a housing supply policy so is not up-to-date in the

context of NPPF para 49. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. The scheme has the potential to deliver benefits in social and economic terms through the delivery of new housing including affordable housing however this is not considered sufficient to outweigh the harm it would cause. The site has a poor level of sustainability as it is not well related to the village, has poor accessibility to local services and facilities by sustainable modes of transport.

37. *Design and Historic Environment Section* – Following a review of the supporting information still advise that due to the steep topography of the application site and the well defined western boundary of Kirk Merrington the development would relate poorly to the existing settlement and would appear as an urban expansion. It is considered that this would have a negative impact on the setting of the conservation area and relationship with the existing village.
38. *Sustainability Officer*– Significant adverse impacts have been identified by landscape colleagues and this together with the poor accessibility of the site has impacts upon the presumption in favour of sustainable development. Carbon reduction initiatives would be required to be embedded within the development, and controlled by condition should permission be granted.
39. *Landscape Section* – The proposals are similar to those submitted in 2015. Some changes have been made to the layout and design which would improve its quality, although not to an extent that would substantially change the overall nature or magnitude of landscape and visual effects. The proposals would entail an incursion of built development into attractive open countryside in a relatively prominent location west of the village of Kirk Merrington and forming part of its immediate setting. They would have a localised but significant adverse effect on the character of the site and the local landscape in that area. While some of the effects on the local landscape would progressively reduce with the development of structural landscaping this would take some time.
40. *Arboricultural Officer* - There is little conflict with trees on the site but there is the potential for the removal of the roadside hedge and this is likely to have a negative impact.
41. *Affordable Housing* – No comments received in relation to this application however previously advised that an affordable housing requirement of 10% would be expected across the site
42. *Archaeology Section* – The geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching. This should be carried out in support of any future reserved matters application to ensure any further mitigation can be incorporated into the development strategy if needed.
43. *Access and Rights of Way Section* – Two recorded Public Rights of Way would be affected by the development. Footpath 70 on the southern boundary has already been dealt with as part of planning application DM/16/02482/FPA for the construction of a bungalow and an application to divert has been received. Footpath 64 will also be affected therefore PROW would want to be involved in relation to what route this may take through any subsequent development.
44. *Drainage and Coastal Protection Section* – Request that planning approval is withheld until amended surface water management information is submitted.

45. *Ecology* – Whilst largely satisfied with the results of the survey it is recommended that further biodiversity improvements are incorporated into the survey recommendations.
46. *Environmental Health (Contaminated Land)* – The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring therefore a contaminated land condition should apply.
47. *Environmental Health (noise)* – Offer no objections to the scheme subject to a condition being imposed relating to a Construction/Demolition Management Plan which will assess noise, vibration, dust and light in relation to nearby occupants and shall detail mitigation measures to limit any potential impacts.
48. *School Organisational Manager* – Highlights that the development could produce an additional 14 pupils of primary and 6 at secondary school age. Whilst sufficient secondary school places are available there are no primary school places available at Kirk Merrington Primary school therefore an additional classroom would be required. A contribution from the developer to fund additional classroom space equating to £192,570 would be expected.

PUBLIC RESPONSES:

49. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. The residents of 77 properties and local member Councillor Avery have submitted letters of objection in relation to the issues summarised below:-
- The proposal represents a greenfield development outside of the defined settlement limits for Kirk Merrington. There are other housing developments on brown field sites in close proximity of the site either under construction or waiting to be developed therefore there is no need for further housing. Numerous properties are available for sale within the village already. Development of this site will lead to over supply issues. The site is identified as Amber in the SHLAA, not suitable for development whereas several green sites were identified in the surrounding area.
 - Query the sustainability of the settlement as it does not benefit from many facilities or services.
 - The proposal would impact on highway safety due to increased vehicular movements caused by the development especially down narrow lanes at peak times and the ability of junction and road network within Kirk Merrington to accommodate increased traffic flows. There is limited connectivity for pedestrians and cyclists within the village and to the surrounding areas. Overall it is considered that the development would result in an increased risk for both motorists and pedestrians. The assumptions and conclusions of the submitted traffic survey are brought into question and query the age of the data. Reference is made to accidents that have taken place within the village.
 - There are concerns regarding the capacity of schools and other amenities to accommodate additional residents, at present the school is not big enough to take all pupils from the village. The financial contribution is a one off payment and wouldn't support its future running expenses.
 - Concerns are raised regarding the potential ecological impact of the development through loss of habitat, hedgerows and trees.

- The development would have an unacceptable visual impact encroaching onto surrounding countryside altering the form of the settlement also impacting on the conservation area. This is principally due to the attractive undeveloped nature of the site and level changes. Furthermore, the number of houses proposed is disproportionate to the size of the settlement.
- Concerns are raised regarding potential land contamination issues.
- The ability of a suitable foul and surface water drainage system is questioned given the level differences on site and the level of infrastructure that would need to be provided to pump water.
- The development would have an unacceptable impact on Public Rights of Way crossing the site.
- The proposal is largely similar to two previous refusals therefore question why the resubmission has been allowed. Nothing has substantially changed to invalidate the reasons given for rejecting the proposal. An application was also refused in 1988.
- Letters of support tend to originate from outside of the village.

50.26 letters of support including a letter from a land agent have been submitted in relation to the application as summarised:-

- It is considered that the 46 properties would help the sustainability of the village and would increase custom to the existing businesses in the village. This is a deliverable scheme as there is developer support for the proposal.
- The proposal would bring new jobs and Council Tax revenue to the village.
- The proposed numbers and varied mix of housing would help to achieve housing numbers, would provide affordable housing and also bungalows for the elderly. Would allow young families to find suitable properties in the area.
- The proposed S106 contributions would have a positive benefit to increase capacity and facilities at the school.
- It is considered that the development is sympathetic and would have an acceptable impact on the village and surrounding area.

APPLICANT'S STATEMENT:

51. Prior to the submission of this application the design team has completed a wholesale review of the proposed development, its relationship with the settlement and surrounding area, and how it sits within the landscape. It was agreed through this process that there were a number of important changes which could be made to the scheme to address the Council's concerns, and secure the delivery of a high quality residential development for Kirk Merrington. The instruction before progressing with this application was to ensure the landscape sensitivities informed the layout of the development, starting from the most basic principles.

52. The revised scheme has consequently provided further certainty on the appearance of the development and how it will be developed, with the Council's landscape officer confirming:
53. "Should the principle of development be accepted the layout and landscape treatments shown on the illustrative site layout (200-01 Rev 9) are well considered, respond to the principles set out in BFL12, and could form the basis for a detailed design of good quality"
54. The main additions are the inclusion of a parameter plan defining significant areas of landscaping which can be secured through condition, restrictions on building heights, and a commitment to provide significant elements of the landscaping scheme in the first planting season following commencement of development. This will provide maximum visual benefit early in the life of the development and reduce the impact of the existing abrupt edge of the village on the landscape. The illustrative layout submitted is a more realistic layout than previous versions, having considered the contours of the site in greater detail, providing significantly more certainty on the likely appearance of the development from surrounding view points.
55. The principle of development on this site is appropriate in the context of the Government's growth agenda for housing nationally. It also responds to the Council's need to boost significantly its supply of housing with the lack of a 5 year housing land supply. The site is well located with regard to surrounding services and facilities with good quality access to Spennymoor and other surrounding settlements.
56. Overall the proposed development is considered to be consistent with the requirements of national and local policy, and should be considered in the context of the presumption in favour of sustainable development.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

58. This application has been submitted following two recent refusals by the local planning authority. The retail food store has now been omitted and housing numbers have been reduced from 49 to 46. A development parameter plan has also been submitted which seeks to provide additional certainty over the form and scale of development. However the proposed scheme has not fundamentally changed.
59. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The SLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, paragraph 215 of the

NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.

61. The application site is located outside of the residential framework of Kirk Merrington, 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.

62. Durham County Council is currently unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need for housing is yet to be fully tested. However, despite the lack of a 5 year supply, and the guidance at para 49 of NPPF, it is not the case that every housing site should be approved. Paragraph 14 of the NPPF makes it clear that there is a “presumption in favour of sustainable development”, not any development. This being the case the sustainability and suitability of the site in other ways still needs to be carefully assessed (as the contribution of 46 (indicative) units would not be overly significant in boosting housing supply if it is concluded that the other policy matters are material.

63. Whilst the scheme draws no support from Policy H8 this considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49 and the 5 year housing land situation described above, and DCC has concluded that it is only partially consistent with NPPF. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

64. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the

NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.

65. In regards to the sustainability of the site, Kirk Merrington is identified as a medium sized village (4th tier) containing limited services and employment opportunities with only a primary school, community centre, three public house and a church providing local facilities of any significance. The nearest access to shops, secondary education, formal leisure opportunities and other services and facilities is over 2km away in Spennymoor and over 3 km away in Ferryhill. Whilst bus services do exist these are not frequent services and typically operate on weekdays. Only one route runs a limited service in the evenings Monday through to Saturday. Employment opportunities are within a relatively short drive but are not within walking distance. Consequently, residents of the settlement are likely to be reliant upon accessing employment and main shopping requirements in higher order neighbouring settlements such as Spennymoor, Bishop Auckland and Chilton, as well as further afield in Durham City and Newton Aycliffe. These trips are more likely to be made using the private car and the site is not considered to be as accessible to shops, services and facilities as other housing sites identified within these locations. Any development which does take place in medium-sized villages therefore needs to be commensurate with the role and function of the settlement. The provision of up to 46 dwellings would provide a significant addition to Kirk Merrington (shown to consist of 414 houses and a population of 739 in the County Durham Settlement Study 2012). The retail food store which was previously proposed and would have improved the sustainability credentials of the village given the lack of retail provision at present, has been omitted from the scheme. This part of the site now has the benefit of planning permission for modest infill housing totalling three units.
66. The applicant has highlighted a number of benefits that could arise from the scheme including an expected generation of 69 full time jobs and the increase in Council Tax receipts to the local authority, including the uplift derived from the New Homes Bonus. It is also highlighted that the development would provide a mix of housing to meet housing needs, including six bungalows and a 10% affordable housing provision.
67. Notwithstanding this and in comparison to other larger villages and towns in close the village as a whole performs poorly against sustainability objectives, including ready access to services and amenities without the reliance on the private motor car. The omission of the food store from the current scheme raises further concerns in relation to the sustainability of the site. It is also recognised that the scheme would deliver the required amount of affordable housing as well as some bungalows, but this should not in itself render an unsuitable site acceptable for development. Whilst not disputing that the proposal would have economic and construction benefits, many of these are of a type which would accrue from any housing development and are not necessarily specific to the application site. There are a significant number of homes within the local area that already have permission or are under construction and these create local economic benefits when development is realised. These include a number of planning permissions for individual dwellings or a small number of residential units of an infill character in Kirk Merrington that have been recently granted.

68. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this, it also implies that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing which is a key aspect of government policy. The promotion of growth and development should not be at the expense of other elements of sustainable development. This includes the protection of the rural landscape and open countryside and promotion of locations that provides good access to services. These matters of detail are considered below.

Infrastructure

69. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. In this instance the Local Education Authority has highlighted that Kirk Merrington Infant School has no available primary school places. It is calculated that a development of 46 dwellings could generate an additional 14 pupils of primary school age. An additional classroom would therefore be required and a contribution of £192, 570 would be requested from the developer. The applicant has indicated a willingness to provide this contribution which would need to be secured through a S106 agreement. To date no agreement has been received. However this is a matter that could be dealt with in the event that the application was approved or as part of any appeal process. Therefore a reason for refusal on this basis could not be sustained.

Visual Impact and impact on Conservation Area

70. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.

71. The application site is a predominately green field location. Its eastern boundary borders the existing development of Kirk Merrington but the remainder of the site is surrounded by agricultural fields with sporadic developments to the north east and to the south. There is a level change evident across the site with the land falling away from the existing dwellings of Kirk Merrington in a south westerly direction. This results in the western edge of Kirk Merrington being prominent within the local landscape. It also gives the impression that this existing boundary forms a natural limit to the built development of the village and that land to the west 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 Kirk Merrington from the highway to the south west.

72. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted information suggests that the development would be arranged around a series of cul-de-sacs with small areas of public open space through the scheme. The layout, similar to the previous applications, indicates that landscaping buffers would be located around the site. A parameter plan has been submitted to mitigate the impact of the development in the landscape. This shows a landscape buffer to the north and west boundaries (the western side to be planted in the first available planting season), general height limit of two storeys across the site and the existing fixed entry points of public rights of way. 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.

73. The information submitted in support of this application has been updated following the refusal of the previous planning applications. The landscape officer acknowledges that the design has improved since that submitted in the previous application and responds better to the topography of the site, although not to the degree that it would change the magnitude of landscape and visual effects to a substantial degree. In essence it is still maintained that development in this location would not form a natural extension to the settlement of Kirk Merrington, but represent a significant incursion into an attractive landscape. This would have a local, but significant adverse residual impact on the surrounding countryside, especially to the south and west. It would also affect the setting of the village in the surrounding landscape on approaching Kirk Merrington from the western flank. Part of the value of the local landscape and the character of the settlement is that it sits on the ridge and it is therefore particularly susceptible to the effects of further built development. While the landscape mitigation measures are welcome, it is considered that these would not be sufficient to mitigate the landscape impact especially in the early years of the development and due to the level changes on site. The proposal would also entail the removal of the roadside hedgerow and potentially two young mature ash and sycamore trees to achieve the visibility splays. Although it is proposed to replace this hedge with 'instant' native hedgerow planting which could produce something similar in physical character to the existing hedge this would sit in a suburban rather than agricultural setting. The scheme is therefore considered to remain contrary policies E1 and D1 of the Local Plan.

74. Concerns are also again raised by the Council's Design and Conservation officer in respect of the setting of the Kirk Merrington Conservation Area, due to alterations to the form of the ridge top medieval village. Although the housing development would have an effect on the form of the village, it is also recognised that the western conservation area boundary is predominately set back from the boundary of the site and the housing would not necessarily be seen in the context of the application site. The West View elements of the scheme have also now been removed and it is therefore considered that this objection could not be sustained.

Access and Highway Safety

75. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the junction from Low Road on to the main highway through the village and the increase in vehicle movements.

76. It is proposed that the existing field access to the site would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is indicated that the dwellings would be arranged a series of cul sacs. It is also indicated that there would be pedestrian links through the site and these would be in a similar position to established Public Rights of Way that cross the site. The Council's Rights of Way Officer has stated that footpath 70 on the southern boundary has already been dealt with as part of another planning application and an application to divert has been received. Footpath 64 will also be affected therefore PROW would want to be involved in relation to what route this may take through any subsequent development.

77. Although the proposal falls below the thresholds requiring a Transport Assessment, the applicant has submitted an assessment in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme subject to the imposition of a condition relating to the junction sight visibility splays. It is also advised that the surrounding road network could adequately accommodate the likely traffic generated from the development.
78. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

79. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. No nuisance, noise or disturbance impacts above those associated with residential uses are predicted. Subject to the imposition of a condition relating to a Construction/Demolition Management Plan which will assess noise, vibration, dust and light in relation to nearby occupants and shall detail mitigation measures to limit any potential impacts colleagues in the environmental health section raise no objections to the scheme.
80. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2760sqm across the scheme. Although the site layout makes provision for an area of open space this falls short of the policy target. The applicant has indicated a willingness to enter into a S106 agreement for an offsite contribution. To date no agreement has been received, however this could be dealt with in a similar way to any affordable housing elements. Alternatively this is a matter that could be covered by condition to ensure that any reserved matters application reflects this requirement. It is not considered therefore that a reason for refusal on this basis could not be sustained.
81. The Contaminated Land Officer has assessed the available information and the historical maps. The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring therefore a contaminated land condition should apply.

Ecology

82. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
83. The Ecology Section have advised that they are largely satisfied with the results of the survey however it is noted that very little in the form of biodiversity enhancements have been included in the recommendations. In line with the requirements of the NPPF development proposals should aim to retain and enhance the overall biodiversity on a site therefore this application has not meet this requirements. The recommendations section of the report could however be amended to provide such

gains. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Flooding and drainage

84. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
85. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1. Having considered the content of the Flood Risk and Drainage Assessment the Council's Drainage Officer have requested that further information is submitted to verify the drainage option and have advised that the site layout needs to be amended to incorporate appropriate sustainable drainage systems in accordance with the Council's adopted guidelines. They recommend that planning approval is withheld until amended surface water management information is submitted.
86. Northumbrian Water raise no objection to the proposal on the basis that the development is carried out in accordance with the Flood Risk Assessment. They do however note that they are not commenting on the quality of the FPA as a whole nor the developers approach to the hierarchy of preference and it is for the Council as Lead Local Flood Authority to assess whether the submitted information is satisfactory and in accordance with their policy. As indicated above the Council's Drainage officers have raised an objection to the scheme and consider permission should be withheld until such time as their concerns about the viability of suggested drainage options and consideration of the sustainable management of surface water are addressed. On the basis that this application is for outline consent, with site layout being a reserved matter, it is considered that drainage concerns could be addressed through the imposition of a planning condition.

Other Issues

87. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer notes that the geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching. This should be carried out in support of any future reserved matters application to ensure that any further mitigation can be incorporated into the development strategy if needed. Such matters can be secured by condition.
88. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. This matter can be controlled by condition.
89. A significant number of objections have been received from local residents, (more than recorded in association with previous applications for the site) which is indicative of the level of public concern about the scheme. A letter has also been received from the Governors of Kirk Merrington Primary School who maintain their objection to the scheme notwithstanding the financial contribution that would be

secured should the application be approved. Numerous letters have expressed concerns that this application has been accepted for a third time. Whilst these frustrations about the similarity of the proposals are noted it is the case that changes to the scheme have been made in an effort to overcome previous concerns. All of the other objection reasons have been addressed within this report. It is accepted that a good number of letters of support have also been received in relation to the application including a large proportion from outside of Kirk Merrington.

The Planning Balance

90. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
91. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits of the additional housing supply and potential affordable housing contribution.
92. Nevertheless and despite some changes that seek to address the previous refusals reasons, the overall sustainability credentials of the development in the context of Kirk Merrington and its landscape setting have not improved. It is still maintained that development in this location would not form a natural extension to the settlement of Kirk Merrington, but represent a significant incursion into an attractive landscape. This would have a local, but significant adverse residual impact on the surrounding countryside and upon the setting of the village.

CONCLUSION

93. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
94. In this instance it is accepted that the development would provide public benefits, the most significant of which, would be the boost that the proposal would provide to housing supply, including a mix of both market and affordable homes.
95. However, it is considered that the adverse visual impacts of the development and the poor accessibility of the site to services significantly and demonstrably outweigh the public benefits. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF. While there has been some further minor modifications, analysis and justification for what is proposed, these steps do not address the key issues that were highlighted in the previous reasons for refusal.
96. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the limited benefits of the scheme. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for refusal.

RECOMMENDATION

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

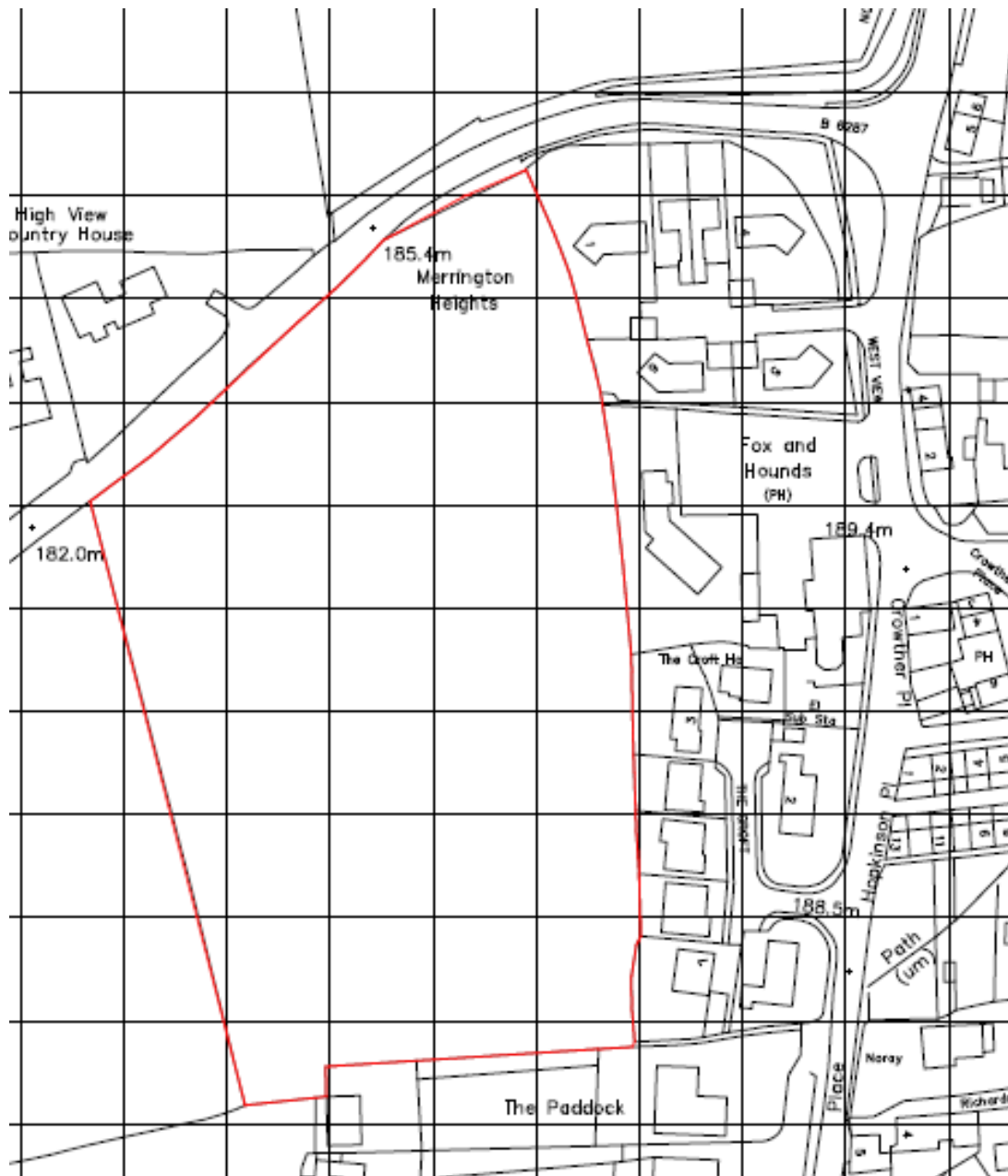
1. The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

**Outline application (all matters reserved except access) for the erection of up to 46 dwellings with associated infrastructure
My Wayne Baister, Initial Group
Land Opposite High View Country House, Low Road, Kirk Merrington, County Durham
Ref: DM/16/03101/OUT**

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Date
15th December 2016

Scale
Not to scale