

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/16/00107/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning permission (including means of access) for the erection of up to 150 dwellings, provision of open space and associated infrastructure.
<b>NAME OF APPLICANT:</b>	Sustainably Green Regeneration Ltd
<b>ADDRESS:</b>	Land To The South Of Three Ways, Hurworth Burn Road Trimdon Village, TS29 6LX
<b>ELECTORAL DIVISION:</b>	Trimdon
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

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

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

## The Proposal and Background

4. This amended outline planning application seeks permission for the erection of up to 150 dwellings and the provision of open space and associated infrastructure including the means of access, with all other matters reserved. The application was amended on the 11<sup>th</sup> January 2019 removing a proposed health centre from the scheme and increasing the number of dwellings from 138 to 150. This amendment followed withdrawal of the application from the 5 June 2018 County Planning Committee to permit further consideration of the proposed health centre element of the proposal.
5. An illustrative masterplan has been submitted, which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off a main distributor road. It is indicated that there would be active frontages overlooking a central area of public open space. The masterplan sets out that a landscape buffer would be created to the eastern site boundary extending up to 20-30m in width incorporating areas of public opens space and S.U.D.S features. 10% of the dwellings would be offered on an affordable basis.
6. The main vehicular access to the site would be taken off Hurworth Burn Road with a protected right turn created within the carriageway, highway widening works would extend up to Horse Close Lane. A second vehicular access is proposed to be taken off Swainby Road, along with a pedestrian access.
7. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in

the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

12. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. NPPF Part 12 – Achieving well-designed places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

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

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

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

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

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

The Sedgefield Borough Local Plan (SBLP) 1996

24. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
25. *Policy E11 – Safeguarding of sites of Nature Conservation Interest –* Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.

26. *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.
27. *Policy E18 – Preservation and Enhancement of Conservation Areas –* Sets out that that the character or appearance of conservation areas will be preserved or enhanced, by not normally allowing development proposals which would detract from their character and appearance and not allowing the demolition of buildings or structures. Applications are required to be supported by sufficient detail to demonstrate the impact of the proposal on such areas.
28. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Trimdon.
29. *Policy H18 – Acceptable Uses within Housing Areas.* States that facilities such as small shops, surgeries and community facilities located within housing areas will normally be granted planning permission provided compliant with other policies and appropriate in terms of scale, character and residential amenity.
30. *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.
31. *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.
32. *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
33. *Policy L5 – Safeguarding Areas of Open Space* sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development of new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment whether there is sufficient provision would be required
34. *Policy L16 – Health Centres and Surgeries –* Sets out that Health Centres, Doctors, Dentists and other surgeries should be located with or on the edge of town, local or village centres. They should be located close to bus stop and have level access and adequate car parking.
35. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
36. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

37. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
38. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
39. *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.
40. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
41. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

42. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16<sup>th</sup> January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

43. *Trimdon Parish Council* – Offer support for the proposals, though consider that more central locations should be considered for the health centre.
44. *Highways Authority* – It is advised that the proposed access arrangements to the site are broadly acceptable, this includes the proposed primary access into the site from Hurworth Burn Road including the formation of a protected right turn and highway road widening up to Horse Close Lane along with the formation. The proposed secondary vehicular access onto Swainby Road is also considered broadly acceptable and necessary to serve the development. This is subject to securing final engineering

details and increasing the width of the primary access road to 6.75m and the secondary access to 6.1m, to be agreed by condition.

45. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
46. *Drainage and Costal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme prior to submission of any reserved matters application.

#### **INTERNAL CONSULTEE RESPONSES:**

47. *Spatial Policy* – Advise the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). It is identified that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
48. It is also advised that the NPPF, does not prevent a local planning authority from defining settlement boundaries; however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date. As a result they can only be afforded limited weight in the decision making process.
49. Therefore, in the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular Paragraph 11, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and the remaining relevant saved policies of the SBLP.
50. It is identified that the site is not designated under policy L5 of the SBLP as open space but the Councils 2010 OSNA classified the site as open amenity space. SBLP policy L5 sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development representing new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment of whether there is sufficient provision for the settlement would be required.
51. *Design and Conservation* – Advise the submitted heritage statement adequately assesses the impact of the development on the historic environment. Due to the transformative nature of the scheme on this undeveloped part of the village, the scheme will cause localised harm to the setting of the conservation area as a result of the further erosion of the historic core. However this harm is assessed as being less than substantial.
52. *Landscape* – Advise that some adverse landscape and visual effects would arise contrary to relevant development plan policies. These include the potential vegetation removal to facilitate the access and required site lines. An existing tree belt screens

the development site, the submitted masterplan identifies that there would be some incursion into this area and footpaths and opens spaces formed. Concerns are also raised regarding the impact on the Conservation Area, particularly in relation to the current rural approach into the village which would be changed, whilst there would be some loss of village green to facilitate the required highway works. Views of the development would also be achievable from within the Conservation Area.

53. *Landscape (Arboriculture)* – Advise that any detailed planning application will require an accurate survey of trees and hedgerows to inform the layout to minimise any impact on these features.
54. *School Places and Admissions Manager* – Advise that a development of 150 houses could produce an additional 45 primary pupils and 18 additional secondary pupils. It is identified that there are sufficient secondary school places however in relation to primary school places there would not be sufficient space to accommodate the pupils generated from the development. Based on the Council's policy in calculating developers contributions in relation to education provision, taking into account existing surplus in the area a total of £661,635 contribution would be required to mitigate the developments.
55. *Housing Delivery* – Advise that the proposed 10% (15 units) affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
56. *Ecology* – Raise no objection, advising that there are no adverse impacts to protected species and habitats. Advice is offered in relation to the final layout including the retention of hedgerows, with appropriate buffers and lighting to maintain foraging for bats. The detailing of the amenity areas should be designed to provide and enhance biodiversity with appropriate management strategies.
57. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is not in close proximity of any Air Quality Management Areas, however that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 AADT LDV flows and 100 AADT HDV flows. Methods for the suppression of dust and particulates should be adopted during construction.
58. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
59. *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objection recommending a conditional approach to requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents along with details of any plant on the Health Centre.
60. *Archaeology* – Have previously advised that the results of a desk top survey are sound, but this should be followed up by a geophysical survey and trial trenching. This should be undertaken before the determination of any application which sets the layout in case any remains need to be retained in situ.
61. *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent and crossing the development site. Officers consider that opportunities for improving links public rights of way network should be secured though the consideration of the reserved matters application.

62. *Sustainable Transport* – Advise that a framework and a final travel plan should be submitted by condition.
63. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation
64. *Sustainability Team* – Summarise previous SHLAA assessment results highlighting average assessment results in respects to social and environmental determinants and poor results in respects to economic determinants. Embedded sustainability measures within the development should be conditioned.

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

65. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, Concerns are raised regarding the proposed layout whilst recognising that the application is at an outline stage. It is advised that an appropriate scheme of lighting should be developed.
66. *NHS* – Advise that the local primary care services are under extreme strain and the formation of additional dwellings in this location would put further pressures on the capacity of current provision. The formerly proposed creation of an additional on-site facility would not be helpful in this regard. This is because it would add additional pressure to an already stretched workforce, at a time when the GP practice is engaging with patients to reduce the current number of operational sites. The proposal of £200k investment is welcomed as it would assist in delivering better access to GP services in line with the NHS Plan.

#### **PUBLIC RESPONSES:**

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

#### Objection

68. 17 letters of objection from local residents have been received in relation to the development as summarised below.

#### *Principle/Sustainability of development*

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

- There are restrictive covenants which prevent development of part of the site.
- Development would result in the loss of public access over open land.

### *Highways*

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

### *Residential Amenity*

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

### *Other Issues*

- The potential for archaeological remains is highlighted.
- The potential ecological impact of the site is highlighted, some sections of the reports online have not been made available.
- Loss of as recreational facility.
- The development will have an impact of the heritage of the tranquil mediaeval village, particularly though increase traffic.
- A significant visual impact on the character of the conservation and open countryside area will arise as identified in the Councils SHLAA assessment.
- Concerns are raised regarding the loss of hedgerows on site.
- The site is green belt land.
- Impact of public footpaths in the vicinity and across the site.
- The development is a money making venture.
- The need for new housing is questioned.
- The local community is overwhelmingly against the development.
- Previous applications have been refused on site.
- The application does not show the layout and details of the development.
- Concerns over sewerage capacity.
- Concerns are raised regarding a potential increase in crime.
- The proximity of agricultural uses are highlighted and the smells generated from chicken sheds.
- The Loss of agricultural land is highlighted.
- The submitted data is now out of date an inadequate to determine the planning application.
- The development would negatively impact on the conservation area contrary to local plan policies. Other applications that impact on the conservation area have been refused within the village.

69. CPRE – Consider that the proposed development would have a significant detrimental impact on the conservation area and adjacent listed buildings and that the previous refusal reflected that. This harm must be given weight in the appropriate planning balance test. Weight should also be afforded to the statutory presumption against development under S.72 under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Support

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

### **APPLICANTS STATEMENT:**

71. This application for 150 new homes in Trimdon village provides a realistic way of meeting development needs in the village first raised by the local community through the Parish Council. The first application had some weaknesses, including not being contiguous with the existing village and uncertainty over the investment in the local community and was refused. The subsequent revisions have overcome those deficits. The application now includes land owned by the council between the original site and existing development off Swainby Road and investment through a commuted payment into local healthcare provision.
72. There is strong support for the proposals in the local community as the introduction of a choice of new homes into the village will make an important addition to local diversity that will benefit the village as a whole and help secure the future of services and facilities, including healthcare.
73. Healthcare was originally proposed to be dealt with by on-site provision of a medical centre to replace the current inadequate facility and a legal agreement was reached with the doctors' practice on its form, siting and occupancy. However, the intention to providing healthcare in the locality is changing and this led to the revised scheme now before committee.
74. Significant work has been put in on behalf of the applicant in working with the council, the parish council, the Doctor's practice and the PCC to facilitate construction of a new health centre on the nearby former school site and a number of meetings have been attended. However, important questions about the provision of health care in the Trimdons, Fishburn and Sedgfield remain unresolved and therefore it has been agreed that the cost of on-site provision be converted to a commuted payment available on sale of the land which can be flexibly applied to whatever health care solution is agreed to benefit existing and future residents of Trimdon.

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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75. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: The principle/Location of the development, five year land supply, locational sustainability of the site, heritage impact, landscape and visual impact, loss of open

space, layout and design, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, other issues and planning obligations.

## Principle of Development

76. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
77. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
78. Relevant to this application site is Sedgefield Borough Local Plan (SBLP) Policy H8 which identifies the residential framework within which housing development would normally be approved, ostensibly to “balance the need for new housing whilst maintaining the character of the countryside”. The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to housing proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it is considered that SBLP Policy H8 is not applicable in this instance, and no support for the proposed development is drawn from it, nor is the development considered contrary to it.
79. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development
80. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole

81. It is considered that the policies which are most important for determining the application are out of date and the acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as set out above.

#### Five Year Housing Land Supply

82. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
83. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
84. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was therefore impossible for the Council to have such an annual position statement in place at the time of the appeal.
85. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.
86. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

#### Locational Sustainability of the Site

87. Paragraph 103 of the NPPF sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements and facilitate access to high quality public transport whilst development should address the connections between people and places. In this respect, whilst recognising that the development is located on the edge of the settlement, it is considered that the scheme would integrate itself well into the built environment of Trimdon by reinforcing and providing new pedestrian connections to the settlement and the public rights of way network. Objections have been raised regarding the sustainability of the site and Trimdon village as a whole.

88. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Trimdon representing a greenfield extension. However, a distance of approximately 450m is evident from the centre of the site to the village centre which provides retail options and community facilities. A distance of 735m is evident to the nearest Primary School. The walking routes into Trimdon are also on adopted well-lit highways with no significant topographical restrictions. Sedgefield and Wingate, which contain secondary schools and wider services, are located approximately 5 and 8 miles away, respectively.
89. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. The scheme would represent a modest 4% increase over and above the approximate 4000 properties within Trimdon. The erection of 150 dwellings is therefore considered to be proportionate to the villages role within County Durham and the level of services provided.
90. In terms of cycle access, the site performs slightly better, with services in Sedgefield a 15 minute cycle ride away. Trimdon is relatively well connected in terms of its bus service with regular bus routes (in excess of 1 per hour at times) to Sedgefield, Spennymoor, Bishop Auckland, Durham, Darlington and Middlesbrough. The closest bus stop would be located approximately 435m from the centre of the site. The proposed highway infrastructure would allow a bus route to be provided through the site should demand exist.
91. Separate discussion in respects to healthcare provision is contained elsewhere in this report.
92. Overall, it is considered that the proposed connections, walking distances and the frequency of the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Paragraph 103 of the NPPF and SBLP Policies T1, D3, which is considered consistent the NPPF in this respect.

#### Heritage Impact

93. SBLP Policy E18 seeks to protect or enhance the character or appearance of conservation areas by not normally allowing development proposals which would detract from their character and appearance This policy is considered broadly consistent with the NPPF in this respect, which sets out at Part 16, that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. It does not, as one objector asserts, create a presumption against development. Further objections have also been raised regarding the heritage impact of the development, including the impact on the conservation area.

94. The heritage assets in this instance are identified as the Trimdon Village Conservation Area bordering the northern boundary of the site and the listed buildings including the Grade II listed building of the Colliery Disaster Memorial in Trimdon Cemetery (37m to the north away) and the Grade II listed building of the Church of St. Mary Magdalene (190m away to the east). The applicant has submitted a heritage statement which appraises the impact of the development on the significance of these heritage assets.
95. In reviewing the submitted heritage assessment and considering the potential impacts of the development the Councils Design and Conservation Officer advises that the submitted heritage statement adequately assesses the impact of the development on the historic environment. It is however advised that due to the inherent transformative nature of the scheme on this undeveloped part of the village, the scheme will cause localised harm to the setting of the conservation area as a result of the further erosion of the historic core. It is also identified that the development would be visible from limited parts of the conservation area. There would be some limited intervisibility between the development and the above identified listed buildings, however due to the separation of the site and screening of existing developments, it is considered that this would not impact on their setting. The visual impact of the loss of village green and the resultant impact on the Conservation Area is also recognised. It is advised by the Councils Design and Conservation Section that the identified harm is assessed as being less than substantial due to the landscaping proposed mitigation and the limited indivisibility between the site and most sensitive parts of the conservation area.
96. There would, as a result, be a degree of conflict with Policy E18 of the SBLP, which sets out that normally development proposals which detract from the character, appearance and setting of conservation areas would not be allowed. Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Consideration should also be given to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
97. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. A desk based assessment of the site was submitted in support of previous applications on the site which identified that there was no known archaeological resources that would be negatively impacted on whilst noting the presence of rig and furrow on part of the site. However the assessment recommends a geophysical survey to establish the nature and extent of any archaeological resource that may be present. In reviewing this assessment the Council's Archaeology Officer advises that the geophysical survey should be carried out before the determination of this application. However on balance given the nature of the application this work could be conditioned and undertaken before the submission of any reserved matters application which would inform the layout given the relatively low risk of significant remains being found.

#### Landscape and Visual Appraisal

98. SBLP Policy E1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance of the River Wear Area and protecting landscape features. SBLP Policy D1 required developments to take account of the sites natural features and adopt appropriate landscaping. SBLP policy E15 sets out that landscape, including trees and hedgerows features should be retained in the layout of the developments. These policies are considered consistent with Parts 12 and 15 of the NPPF which sets out that good design is indivisible from

good planning while also seeking to protect local landscapes. Objections have been raised regarding the visual impact of the development.

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

#### Loss of open space

103. SBLP policy L5 sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development representing new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment of whether there is sufficient provision for the settlement would be required. Objections have been raised regarding the loss of open space as a result of the development.
104. SBLP policy L5 designated larger sites of open space on the Proposals Map for protection. No designation was afforded to the site under this policy though the justification to the policy explains that only the larger sites are shown on the Proposals Map and it is considered that the policy remains applicable to smaller parcels of open land. SBLP policy L5 is considered partly consistent with the NPPF, paragraph 97 of the NPPF in general seeks to protect areas of open space, however when a development is proposed an assessment is required to establish whether the land is surplus to requirements, would be replaced by better provision or the development represents alternative sports which outweigh the loss. Further to this paragraph 96 of

the NPPF sets out that planning policies should be based on the robust and up to date assessments of need and provision for open space, recreational and sports provision. Reduced weight should therefore be afforded to policy L5 in the decision making process.

105. The Council carried out an Open Space Needs Assessment (2018) which identified all areas of open space within the County by typology, this is considered the most up to date assessment of need and provision. In this assessment the site has not been designated, a change from the previous 2010 OSNA which designated the site as amenity open space. Notwithstanding this, it is recognised that there is a public right of way and unregistered footpaths/desire lines crossing the site and that the site is used by dog walkers and members of the public accessing the wider countryside. The development of the site would impact on this function, however the indicative masterplan sets out that across the development site as a whole, approximately 2 ha of open space would be provided including across the amenity green space and parks and gardens typologies along with an offsite contribution for allotment, outdoor sport and play space typologies. Accessibility to the wider countryside to Public Rights of Way would be maintained and enhanced through the development. As a result it is considered that the proposals are compliant with SBLP Policy L5 and paragraph 96 of the NPPF.

#### Layout and Design

106. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.
107. In this respect the application is in an outline form, however based on the indicative master plan it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout could be achieved subject to the details to be provided through a reserved matters application.
108. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning condition.
109. Overall, subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies D1, D2, D3 and D5, and Part 12 of the NPPF.

#### Highway Safety and Access

110. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Concerns over highway safety, including the capacity of the road network to accommodate additional flows generated by the

development and the safety of the surrounding roads have been raised by local residents.

111. It is proposed that the main vehicular access to the site would be taken off Hurwoth Burn Road to the northern boundary of the site, creating a protected right turn into the site. The existing 30mph speed limit is proposed to be relocated whilst visibility splays could be laid out to retain the existing hedgerow. A secondary vehicular and pedestrian access is proposed to be created off Swainby Road linking the development into the existing settlement. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network and concluded that the development would have an acceptable impact on relevant junctions.
112. In reviewing the proposals, the Highway Authority advise that this proposed access into the site would be acceptable, subject to achieving minimum access with and the delivery of off site highway works, including the widening of the highway along part of Hurwoth Burn Road up to Horse Close Lane. It is, however, advised that a condition would need to be attached to any planning approval to agree the finer detail of the access works, provision of the detailed visibility splays and ensure implementation. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application.
113. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP Policy D3 and Part 9 of the NPPF in this respect.

#### Residential Amenity

114. SBLP Policies D1 and D3 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These policies are considered NPPF compliant with parts 12 and 15 of the NPPF which requires that a good standard of amenity for existing and future users, whilst seeking to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. Objections have been raised by local residents in relation to construction related impacts.
115. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances, whilst recognising their outlook would change, it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage. It is recognised that the development would increase traffic and movement down Swainsby Road and adjacent streets. However this is considered commensurate with levels of traffic in other streets within Trimdon and would not warrant refusal of the application in itself.
116. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated. It is also recommended to control any plant erected on the proposed health centre to prevent any loss of amenity for future residents.

117. The proximity of intensive chicken rearing sheds approximately 800m to the east of the site boundary is not considered to give rise to issues around statutory nuisance given the existing sensitive receptors along the eastern edge of Trimdon Village.
118. Issues regarding a loss in value of existing properties or a loss of a view are not a material planning consideration.
119. Overall, the scheme would comply with SBLP Policies D1 and D3 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents subject to appropriate conditions and

## Ecology

120. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located approximately 270m to the south of Charity Land Site of Special Scientific Interest (SSSI) and Captains Well Local Wildlife Site, 1330m to the north east of Fishburn Grassland SSSI and 1500m to the South east of Trimdon Limestone Quarry SSSI and Raisby Way and Trimdon Grange Local Nature Reserve. Approximately 3000m to the east of the site lies Hurworth Burn Reservoir Local Nature Reserve.
121. A phase 1 habitat survey has been submitted in support of the planning application. Subject to preserving the line of the existing hedgerow through the site and around the margins of the site, it is concluded that no species specially protected by law would be adversely affected by the proposals. Mitigation planting is proposed in the landscaped areas and areas of open space along with controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes. Subject to delivering this mitigation and subject to further review of the reserved matters application the Council's Ecology Officer raises no objections to the application. No objections or concerns are raised in regards to the above listed statutory and locally designated sites. The development is therefore considered to conform to SBLP Policy E11 (consistent with the NPPF) and Part 15 of the NPPF in this respect.

## Flooding and Drainage

122. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
123. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to capture surface water in 1 and 100 year flood events to discharge at greenfield run off rates. The scheme also proposes the implementation of drainage channels and porous paving, would help restrict runoff to greenfield rate and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach once a layout in a reserved matters application is developed Drainage and Costal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.

124. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
125. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

#### Ground conditions

126. In relation to land contamination the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.

#### Other Issues

127. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 5.10ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Nor do Natural England classification maps for the North-East region identify the agricultural classification of the site.
128. In a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that even if the whole site was best and most versatile agricultural land, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
129. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. It is however advised that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 Annual Average Daily Trips (AADT) Light Duty Vehicles flows and 100 AADT Heavy Duty Vehicles flows. In this instance the development is not expected to exceed these thresholds (284 LDV and 3 HDV). No further assessment on the impacts of air quality is therefore required in this instance. Methods for the suppression of dust and particulates should be adopted during construction to be secured by condition.
130. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.
131. The development would impact on areas of Village Green through the required widening of the highway up Hurworth Burn Road, which is considered necessary for the development to be considered acceptable. The protection of Village Greens is covered by separate legal legislation which the applicant would need to satisfy.

132. It has been highlighted that there may be restrictive covenants preventing development over part of the site in Council ownership. This is considered a legal matter for any future developer to address.
133. Objections have been raised regarding whether relevant surveys and reports are up to date. How as advised by relevant consultees the submitted surveys/reports adequate to inform the application in relation to relevant material considerations.

#### Planning Obligations

134. SBLP Policy H19, in accordance with paragraph 62 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended) with the final make up of the affordable housing to be agreed through the S106 agreement.
135. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
136. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
137. In this instance the indicative site layout indicates that around 0.75ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other indicated incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £152,995 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 planning obligation.
138. The School Places and Admissions Manager advises that a development of 150 houses could generate an additional 45 primary pupils and 18 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is not sufficient capacity in local primary schools to accommodate the additional pupils generated. A contribution of £661,635 is sought to extend existing provision and mitigate the developments impact in this respect. The developer has agreed to this contribution. It is advised that sufficient secondary school capacity exists in the area.
139. The Council's Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in

accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

140. The applicant proposes a financial contribution of £200,000 to provide healthcare provision within the village, in lieu of previously proposed onsite health care provision. In respect of this provision, the NHS advise that the local primary care services are under extreme strain and the formerly proposed creation of an additional on-site facility would not be helpful in this regard. This is because it would add additional pressure to an already stretched workforce, at a time when the GP practice is engaging with patients to reduce the current number of operational sites. However, it is advised that the proposal of £200k contribution is welcomed as it would assist in delivering better access to GP services in line with the NHS Plan.
141. Paragraph 204 of the NPPF advises that, planning obligations should only be sought where they are, amongst other things, necessary to make the development acceptable in planning terms, and directly related to the development. The provision of affordable housing, open space and education contributions are all necessary to mitigate the impacts of the development. The willingness of the developer to enter into the targeted and recruitment and training clauses must be viewed as a voluntary arrangement and is discussed below. In regards to the healthcare contribution, whilst it is clear that the the contribution would have a benefit to the community both in terms of existing and prospective residents and would mitigate impacts of the development itself the total contribution of £200,000 would not be fully necessary to make the development acceptable, and accordingly, they can be only considered on a voluntary basis. The contributions cannot therefore be afforded weight as a benefit of the development, but can, nonetheless, be secured as a planning obligation.
142. Issues over restrictive covenants/right of access are considered legal matters and are not material planning considerations.

#### Planning Balance

143. As set out above the acceptability of the application should be considered under the planning balance test contained within Paragraph 11d of the NPPF. It is identified that the development would result in less than substantial harm to the Trimdon Village Conservation Area. Paragraph 196 sets out that his harm should be weighed against the public benefits of the proposal and this paragraph comprises of a policy which protects areas or assets of particular importance and can (if it is not met) provide a clear reason to refuse the development. Paragraph 11d also sets out that planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the NPPF taken as a whole.

#### *Benefits*

144. The development would assist in maintaining housing land supply. However, the Council can demonstrate in excess of 6 years deliverable housing supply and therefore the weight to be attributed to the contribution to housing supply, is a limited one.
145. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy sustaining local services and facilities. There has been limited new housing developments within Trimdon.

146. The development would provide an increased range of house types including 10% affordable housing units which would meet an identified short fall within the County.

### *Adverse Impacts*

147. The development would result in less than substantial harm to Trimdon Conservation Area, by eroding the historic core of the village in conflict with Policy E18 of the SBLP. However, it is recognised that there would be a limited degree of intervisibility between the site and the most sensitive parts of the conservation area.
148. The development would result in residual landscape harm as a result of developing a greenfield site and extending built development into the countryside. Mitigation planting proposed, the retention of existing vegetation and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
149. The loss of a parcel of amenity open space would result, however this is not designated within the 2018 OSNA whilst the development would improve provision of other typologies and retain accessibility to the wider countryside.
150. Highways mitigation measures would result in the loss of some extents of grass highway verges and these are designated as village green.
151. The development would result in the loss of 5.10ha of agricultural land and potentially this could be best and most versatile agricultural land, however, even in such a scenario this level of loss is not significant.

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## **CONCLUSION**

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152. As the most important development SBLP policies for determining the application are considered out of date, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11(d) of the NPPF.
153. The development would conflict with Policy E18 of the SBLP, due to the impact on the character appearance and setting of conservation area. In this instance it is considered that the public benefits of maintaining housing supply, provision of affordable housing, associated economic benefits would outweigh the less than substantial harm to the conservation area and thereby satisfy NPPF paragraph 196.
154. In addition to the heritage harm it is identified that the development would result in residual landscape harm though developing a greenfield site and extending built development into the countryside, loss of a parcel of amenity open space, grass verge land designated as village green and potentially, result in the loss of 5.10ha of Best and Most Versatile Agricultural Land. However, for the purposes of Paragraph 11d, none of this identified harm would significantly and demonstrably outweigh the recognised, social and economic benefits of new housing. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the SBLP.
155. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contributions towards provision of open space and sporting opportunities, increasing primary school capacity and the provision of

affordable housing are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training and the total healthcare contribution of £200,000 are not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide these, it is on a voluntary basis only and cannot be afforded weight in the assessment of this application.

156. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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

- 10% Affordable housing
- £152,995 towards open space and sporting provision within the Electoral Division
- £661,635 towards increasing primary school capacity in the area

And the voluntary contribution of:-

- £200,000 towards to the delivery of health care provision in the village.
- A Targeted Training and Recruitment Plan

and subject to the following conditions:-

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

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

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

*Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

3. The development hereby approved shall comprise a maximum of 150 dwellings.

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

4. Prior to the construction of the first dwelling hereby approved full engineering details of the access and highway improvement works detailed on plan no. no. J048/Access-mitigation/Fig 1 Rev A shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate a minimum highway width of 6.75m and include a timetable of implementation and completion of the highway works. The development shall thereafter be undertaken in accordance with the approved details and timings.

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework*

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

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework*

6. Notwithstanding the submitted information, prior to the construction of the first dwelling the site visibility splays set out on plan no. J048/Access-mitigation/Fig 1 Rev A shall be laid out in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.*

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

*Reason: In the interests of the visual amnesty of the surrounding area, in accordance with policy E1 and D1 of the Sedgefield Borough Local Plan and parts 12 and 15 of the NPPF.*

8. Notwithstanding the submitted information and the requirements of condition no. 7, application(s) for approval of reserved matters of the development shall make provision to ensure that a minimum of 4950sqm of amenity/natural green space and 2310sqm of parks and gardens typologies. Full details of which, including the mechanism for the subsequent management and maintenance of these areas, shall be submitted to and agreed in writing prior to the occupation of the 1st dwelling. The open space areas shall be made available allowing free and unrestricted access by residents of the development upon the completion of the development.

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

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

*Reason: In the interests of highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.*

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with policy D3 and T1 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.*

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

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with policy D3 and T1 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.*

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

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

The agreed scheme(s) should include but not necessarily be restricted to the following:

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. Details of timings for implementation
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be completed in accordance with the agreed scheme.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 14 and 15 of the National Planning Policy Framework.*

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

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with part 15 of the National Planning Policy Framework.*

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

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgfield Borough Local Plan and Part 12 of the National Planning Policy Framework.*

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.*

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

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

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

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

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

*Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

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

#### **Pre-Commencement**

- (a) a Phase 2 Site Investigation and Risk Assessment shall be carried out for any phase before any development commences on that phase to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out for that phase. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

## **Completion**

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition as the site contamination investigation/mitigation must be devised prior to the development being implemented.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Sedgefield Borough Local Plan

The County Durham Plan (Pre Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



 <p><b>Durham</b> County Council</p> <p><b>Planning</b></p> <p><b>Services</b></p>	<p>DM/16/00107/OUT Outline planning permission (including means of access) for the erection of up to 150 dwellings, provision of open space and associated infrastructure</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> February 2019</p>	<p><b>Scale</b> Not to scale</p>