

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/20/00669/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>12 additional dwellings (132 dwellings in total) linked to applications DM/16/00400/OUT &amp; DM/18/03759/RM for the erection of 120 dwellings</b>
<b>NAME OF APPLICANT:</b>	<b>Persimmon Homes Durham</b>
<b>ADDRESS:</b>	<b>Land To The East Of Mill Lane, Sherburn, DH6 1HP</b>
<b>ELECTORAL DIVISION:</b>	<b>Sherburn</b>
<b>CASE OFFICER:</b>	<b>Laura Eden</b> <b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises 5.49 ha of roughly triangular shaped agricultural land on the southern edge of Sherburn Village, approximately 3.2 km to the east of the centre of Durham City. The site is bordered to the north by the rear boundaries of village residential properties, including those of Sherburn Farm, Chapel Court and South Street. To the south is further agricultural land, with a former railway line walkway (Sherburn Way) running in a north-west/south-east direction plus a woodland trail, beyond. To the east runs a bridleway in a north-west/south-east direction with agricultural land beyond. To the west of the site is Mill Lane (the C12A) and the rear boundaries of Mill Lane residential properties, with further homes on the western edge of Mill Lane at The Crescent and Sherburn Way beyond. A sewerage treatment works lies approximately 290 m to the south-west of the application site's western boundary. The site's main characteristic was one of gently undulating open arable land with a shallow valley across it, though the site is in the process of transforming into a residential estate. There are hedge lined boundaries along two of its three sides. The southern site boundary is undefined.
2. The C12A joins the east-west running B1283 Durham - Easington road approximately 500 m to the north of the site in the centre of Sherburn at a mini roundabout. It joins the north-west/south-east running A181 Durham - Peterlee road to the south via a roundabout at Byers Garth.
3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site. The Sherburn Hill Site of Special Scientific Interest (SSSI) and Sherburn Hill County Wildlife Site lie in excess of 200 m to the east. The Sherburn Conservation Area immediately abuts the application site to the north with approximately 0.09ha of the site in the north eastern corner lying within the

Conservation Area. This contains one listed building, St Marys Church (Grade II), which stands approximately 400 m to the north west.

- Public Footpath No. 9 (Sherburn Parish) running along the line of a former railway abuts the south west corner of the site, and Public Bridleway No. 10 (Sherburn Parish) abuts the north east corner. The Sherburn Way Woodland Trail runs within woodland immediately to the south west of Footpath No. 9 (Sherburn Parish).

#### The Proposal and Background

- The site already benefits from planning permission for 120 dwellings (see planning history section below for further details) and works commenced on site in June 2019. The new highway access onto Mill Lane and show home is complete and at the time of writing this report 2no. dwellings are occupied with approximately 28no. under construction.
- The S106 legal agreement in association with DM/16/00400/OUT secured the following;
  - 20% affordable housing provision.
  - £157,885 to be used towards the provision and maintenance or improvement of educational facilities at Belmont Community School.
  - £75,000 to be used towards the provision of public art within the vicinity of the site.
  - £38,571 to be used towards the surfacing and lighting of an adjacent Public Right of Way (Public Bridleway No. 10 (Sherburn Parish)) and a pedestrian refuge on Front Street in accordance with details contained on drg. no. A083889-1\_SK001.
  - On site public open space provision equating to 10m<sup>2</sup> of informal play space per dwelling and 20m<sup>2</sup> of amenity space per dwelling. A contribution in lieu to be paid for any shortfall.
- The current application seeks full planning permission for 132no. dwellings which is an additional 12no. dwellings on top of the 120no. dwellings already consented through applications DM/16/00400/OUT and DM/18/03759/RM. There is no net increase in developable area therefore in order to achieve the additional units on site, there has been a partial re-plan including remixing of a number of plots to introduce additional semi-detached and smaller units when compared against the reserved matters layout. Large areas of the site remain unaltered and as approved, including the majority of the internal road structure.
- The proposed housing mix under this application includes 16no. two, 63no. three, 38no. four and 15no. five bedroomed 2/2.5 storey properties, all of which come in a mix of detached, semi-detached and terraced options. One new house type (the 3 bedroomed Barton house type) is being introduced with all others being the same as under the previous reserved matters approval. The materials palette proposed includes two different red multi bricks, a tiled grey roof and artstone heads and cills to some properties as opposed to contrasting brick. Windows and doors are proposed to be white UPVC. All properties feature off-street parking, including a mix of integral and detached garaging, and enclosed rear gardens.
- Vehicular access would be taken from Mill Lane in accordance with the previously approved details (as part of DM/16/00400/OUT) and these works are now complete. Development would be arranged around a main road passing through the development site. Cul-de-sacs, private shared drives and individual dwellings would be taken off this main road. Areas of public open space are proposed adjacent to the entrance along with SUDS basins, in addition to greenspace alongside the western flank of the main road, along the south eastern and partially the northern boundary.

10. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal on a site greater than 4ha.

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## **PLANNING HISTORY**

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11. Outline planning permission was granted for the erection of 120no. dwellings and a new access off Mill Lane (all other matters reserved) (DM/16/00400/OUT) in May 2016. The application was the resubmission of an identical application (DM/14/02912/OUT) which had previously been refused by the County Planning Committee in September 2015 against officer recommendation. The reasons for refusal related to concerns surrounding loss of agricultural land, the impact on the countryside and a valued landscape, the impact to the setting and significance of Sherburn Conservation Area and that the cumulative highway impacts of the development would be severe. The applicant was in the process of appealing that decision by way of a public inquiry, however the Council resolved that the appeal was not defended as the refusal reasons could not be supported. The resubmission was therefore brought back before the County Planning Committee in May 2016, who resolved to grant consent subject to a S106 legal agreement.
12. An application for the approval of reserved matters (appearance, landscaping, layout and scale) (DM/18/03759/RM), in addition to discharging a number of conditions associated with the outline approval, was granted approval in May 2019. Several subsequent applications were also approved, discharging the remaining conditions from the outline (DRC/19/00239 and DRC/19/00287) and reserved matters consents (DRC/19/00238).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

13. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
14. 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.
15. *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.

16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. *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.

25. *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>

26. 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; historic environment; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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:**

##### City of Durham Local Plan (2004) (CDLP)

27. *Policy E7 – Development Outside Settlement Boundaries*. Seeks to protect the countryside, a finite resource, from inappropriate development and guide new development towards sites within existing settlements in order to meet social and economic needs over the Plan period. Accordingly, development outside settlement boundaries will not normally be allowed.
28. *Policy E10 - Areas of Landscape Value*. Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value as well as landscapes outside of the designation.
29. *Policy E14 - Trees and Hedgerows*. Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
30. *Policy E15 – Provision of New Trees and Hedgerow*. Encourages tree and hedgerow planting including in urban fringe areas.
31. *Policy E16 – Protection and Promotion of Nature Conservation*. Seeks to protect and promote nature conservation.
32. *Policy E17 - Sites of Special Scientific Interest*. Seeks to protect sites of special scientific interest and national nature reserves.

33. *Policy E18 - Sites of Nature Conservation Importance.* Seeks to safeguard all sites of nature conservation importance.
34. *Policy E19 - Wildlife Corridors.* Seeks to protect landscape features that contribute to wildlife corridors, and create new corridors in new development schemes where opportunities arise.
35. *Policy E20 - Local Nature Reserves.* Seeks to protect sites of nature conservation value.
36. *Policy E21 – Conservation and Enhancement of the Historic Environment.* States that the historic environment will be preserved and enhanced by minimising adverse impacts by development proposals.
37. *Policy E22 – Conservation Areas.* Seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
38. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from their setting.
39. *Policy E24 – Ancient Monuments and Archaeological Remains.* Seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
40. *Policy H3 - New Housing Development within the Villages.* Permits new housing development within settlement boundaries of villages that include Sherburn.
41. *Policy H5 - New Housing in the Countryside.* Permits new housing development in the countryside only where specific criteria is met and primarily has an agricultural or forestry justification.
42. *Policy H12A – Type and Size of Housing.* States that the type and size of dwellings will be monitored and where appropriate negotiation will take place with developers to provide the right housing types and sizes to ensure balance.
43. *Policy H13 – Residential Areas - Impact upon Character and Amenity.* Protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
44. *Policy T1 – Traffic Generation – General.* States that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.
45. *Policy T5 – Public Transport.* The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
46. *Policy T10 – Parking.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
47. *Policy T21 – Walking.* States that existing footpaths and public rights of way should be protected.

48. *Policy R1 – Provision of Open Space.* Seeks to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
49. *Policy R2 – Recreational and Amenity Space in New Developments.* States that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development.
50. *Policy R11 – Public Rights of Way and Other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from the development which would result in their destruction or diversion.
51. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility.* States that the layout and design of all new development should take into account the requirements of all users.
52. *Policy Q4 - Pedestrian Areas.* Requires that pedestrian area should be laid out and designed with good quality materials in a manner which reflect the street scene.
53. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
54. *Policy Q6 - Structural Landscaping.* Requires peripheral structural landscaping within sites located on the outer edge of settlement boundaries.
55. *Policy Q8 – Layout and Design Residential Development.* Sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
56. *Policy Q15 – Art in Design.* Encourages the provision of artistic elements within new development.
57. *Policy U5 – Pollution Prevention – General.* States that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.
58. *Policy U7 – Pollution Prevention – Development Sensitive to Pollution.* Developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
59. *Policy U8A – Disposal of Foul and Surface Water.* Requires all new development to have satisfactory arrangements for foul and surface water disposal.
60. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas are unavailable; that no unacceptable risk would result; that no

unacceptable risk would result elsewhere; or that appropriate mitigation measures can be secured.

61. *Policy U11 - Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
62. *Policy U13 - Development on Unstable Land.* This policy states that development will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability or that satisfactory remedial measures can be undertaken.
63. *Policy U14 – Energy Conservation \_ Renewable Resources.* The council will encourage the effective use of passive solar energy and the reduction of wind-chill in the layout, design and orientation of buildings, and the use of energy efficient materials and construction techniques.

#### **EMERGING PLAN:**

##### The County Durham Plan

64. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26<sup>th</sup> May and will last until 21<sup>st</sup> July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

##### Sherburn Village Neighbourhood Plan (SVNP)

65. A Neighbourhood Area was designated in 2016 but there has been no further progress since. The SVNP has not yet reached a stage where weight can be afforded to it.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

66. *Highway Authority* – A transport statement has been produced to support the substitution of plot type and increase in numbers. The traffic impacts are considered acceptable. Access to the site has not been altered and the layout has carried forward the previously approved parking arrangements and standards. Following amendments to layout to address earlier concerns, no objection is raised.



67. *Drainage and Coastal Protection* –As there will be no increase in net developable area as a result of these additional dwellings, no objection is raised.
68. *Coal Authority* – The northern tip of the site abuts the defined high-risk area. However, the main site itself lies outside this and therefore they do not object to this application subject to an informative relating to their standard advice.

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

69. *Spatial Policy* – This proposal seeks to add a further 12no dwellings to the development through a re-plan/substitution of house types thereby increasing the total number of dwellings to 132. Given that these additional 12 dwellings will be within the confines of the existing development site (original red line boundary) where the principle of housing is already established, the key issue is ensuring that an acceptable layout and design is achieved. The increase in the number of units will trigger additional requirements for both open space and affordable housing contributions.
70. *Archaeology* – No objection.
71. *Compliance and Monitoring* – No objection or concerns with the proposed mitigation measures contained within the Construction Management Plan.
72. *Design and Conservation* – Whilst the applicant has proposed an additional 12 units, this has not significantly changed the previously proposed layout. Due to the increase in dwelling numbers, further parking spaces are required however the dominance of parking in the street has not significantly changed.
73. *Ecology* – The submitted ecological review information is sufficient to inform this application and no additional survey data or mitigation measures beyond that of the previously consented application is required.
74. *Environment, Health and Consumer Protection (Air Quality)* – The information submitted demonstrates that the application complies with the thresholds stated within the TANS and Air Quality Standards and Objectives. This would indicate that the development will not lead to an adverse impact.
75. *Environment, Health and Consumer Protection (Pollution Control)* – The addition of 12 houses and the slight change to layout does not alter the impact in relation to noise or odour impact. As such it is considered that no further conditions are required in addition to any considered necessary on the original application.
76. *Environment, Health and Consumer Protection (Contaminated Land)* – Having reviewed the submitted information they can confirm there is no requirement to impose a condition. An informative should be added in relation to unforeseen contamination.
77. *Housing Delivery - Affordable Housing* provision should reflect the requirements of local residents in respect of property type, size and location. The affordable requirements of the area have not changed and previous recommendations still apply. Housing Delivery are happy to enter into discussions to ensure the affordable housing requirements of the area are met.
78. *Landscape* – The proposed amended layout does not significantly differ from the previously submitted design. Neither would it effect the visual amenity value or townscape and landscape character of the settlement and surrounding countryside.

79. *Landscape (Arboriculture)* – Comments from the original application still stand. Their comments received as part of DM/18/03759/RM advised that tree species proposed are considered to be satisfactory and earlier concerns relating to the longevity of tree cover within the front gardens have been addressed (comments received in relation to the proposed landscaping scheme).
80. *School Places Manager* – It is considered that the development (12 additional dwellings) is likely to produce 4 primary pupils and 2 secondary pupils. Whilst there is sufficient capacity at the local primary schools there is insufficient capacity at the local secondary school (Belmont Community School) to accommodate this need. Consequently, a contribution of £33,108 would be required for the provision of additional teaching accommodation.
81. *Sustainable Travel* – Comments from the original application still stand. Their comments received as part DM/16/00400/OUT recognised that the site is well served by the existing walking and cycling network. The development would increase use of the immediate existing network in which case efforts to improve these routes should be included. It was encouraging to see access included in the plans, with paths linking to the existing network and forming a comprehensive network within the site. A Travel Plan would be required for a residential development of this size and would be assessed in due course when submitted.

#### **EXTERNAL CONSULTEE RESPONSES:**

82. *North Durham Clinical Commissioning Group* – Based on only the increase of 12 additional houses, they would not seek any contribution from the development.
83. *Police Architectural Liaison Officer* – No comments received.
84. *Northumbrian Water Limited* – No objections providing a condition is imposed to ensure the development is carried out in accordance with the agreed scheme.

#### **PUBLIC RESPONSES:**

85. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. 7no. letters of objection has been received. The main concerns and queries raised by the objectors can be summarised as follows:
  - Consider that there are already enough houses being built on the site without an additional 12. What is the justification behind this? A developer should not be allowed to gain consent and then make post permission changes to the detriment and desirability of the development.
  - The approved junction with Mill Lane is dangerous and additional traffic movements will make it more so. This proposal will increase the already high volumes of traffic that use this road and will put even more pressure on Sherburn Village.
  - Query why the Road Safety Audit was not undertaken until December 2019. A significant number of the queries that have been flagged as a result, supporting the concerns that residents raised at the time of the initial application. They consider the site arrangements are dangerous and question how the development ever received planning consent.
  - Query whether there is sufficient parking and visitor parking for the increased number of units.
  - Object to specific amendments within the site which they consider will result in a much less attractive outlook for them and their neighbours.
  - Consider the additional units will place additional pressure on the local GP surgery.

- That a resident has been unable to sell their home due to the roadworks and query how much longer these will be in place.
- Persimmon have consistently ignored the Government guideline to cease all non-essential work and stay at home thus endangering the public at large by carrying on as usual during this period of national emergency.
- The initial planning application was subject to an in-depth debate. The majority of residents in the village objected to the development, especially those in Mill Lane, but were ignored.
- The development has been very stressful for everyone around it. They find it disappointing to have to object yet again to something which they don't consider is needed and that will likely just gain planning consent regardless.

86. *Cllr Bill Kellett (Sherburn)* strongly objects to the proposal. He is strongly critical of the way that the (road) safety audit has been carried out, only after planning permission has been granted and building work commenced. This raised a raft of unacceptable problems which could give rise to road traffic accidents. The additional traffic generated by this development will likely have adverse impacts for Mill Lane and the local residents in addition to the mini roundabout in the centre of the village. The proposal is likely to impact on the local GP surgery. Concerned that Persimmon will not consider the impacts of local residents or planning conditions.
87. *Cllr David Hall (Sherburn)* – Does not wish this to be a delegated decision because of its importance and potential impact on the village and the need to discuss additional benefits to the village under new policies and any discretionary contributions the developer may see fit to include in their agreement.

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

#### **APPLICANTS STATEMENT:**

88. Given the sites planning history, it is considered that the principle of developing the site, based upon the approved 120 units has already been established.
89. This Full application is seeking a remix of housetypes and approval for a 132 unit scheme at the Land to the East of Mill Lane Sherburn. The application is mainly seeking approval for the addition of 12 dwellings, in addition to the 120 units that have been permitted via the Extant Outline Application and Subsequent Reserved Matters Application.
90. These changes have been proposed to increase the marketability of the development and improve market penetration, by ensuring a greater amount of starter homes and smaller family homes are proposed which market feedback to sales has indicated are type of properties sought after and desired by your constituents and interested customers.
91. In order to achieve the additional units on site, Persimmon Homes has remixed a number of the approved plots to introduce additional semi-detached units and additional smaller units when compared against the Reserved Matters Approval.
92. As shown in the proposed 132 Unit Layout when compared against the approved 120 Unit layout the development maintains the development principles set by the Outline and Reserved Matters application. The internal road structure remains unchanged to that already approved. Additionally, the developable area also remains unchanged

ensuring that the approved areas of Public Open Space remain unaffected by the increase in number of units.

93. As a result, the development is based upon the design principles outlined within the NPPF which seek to create a high quality, attractive development which aims to be respectful and complementary of the surrounding area. As such the development will continue to employ the use of traditional building materials to achieve a level of complementary development with the surrounding area.
94. Vehicular access to the site will be from Mill Lane. Vehicular access to the site has previously been approved under the approved OUTLINE Planning Application. This application intends to utilise the design of the already approved site access. A transport statement has been produced and submitted which summarises the approved TA and mitigation proposals for the 120 units and then assesses the effect of the additional 12 units. The transport assessment concluded that the additional 12 units would not result in an impact on the surrounding network and the previous approved site access is remaining suitable for the additional 12 units. A Road Safety Assessment of the site has been completed with Durham County Council to inform and incorporate into the design which has already been developed on site.
95. Persimmon Homes has worked closely with the planners in Durham Council, as well as council and statutory external consultees. Through adaptation of the proposal and submission of additional reports, plans and information, we are confident that we have a proposed development that meets the requirements of all whilst also the following the principles agreed in the previous application to allow for a seamless and continuous development across the entire site.
96. Finally, the impacts of the development can be fully mitigated by the development or via a planning gain package topping up payments to the current s106 items for the additional 12 units has been agreed such that there no adverse impacts which would significantly and demonstrably outweigh the benefits.
97. The application is supported by a full suite of supporting reports, assessment and drawings which have met all the requirements of internal Council and Statutory Consultees including Drainage and Highways such that there are no outstanding objections from any of these bodies.
98. Therefore, in accordance with the National Planning Policy Framework the application should benefit from the presumption in favour of sustainable development and approve development proposals that accord with the development plan without delay.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

## The Principle of the Development

100. The principle of developing the site for housing was established under planning permission DM/16/00400/OUT (and reserved matters approval DM/18/03759/RM) for 120 dwellings. Significant progression has been made on site (see para. 5 of this report) therefore the principle of development should not be revisited under this application, the key issue being determining whether or not the additional dwellings have an acceptable impact.
101. Given the age of the CDLP and housing requirement figures that informed it, several environment and housing chapter policies including Policies E7, H3 and H5, do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 11 of the NPPF, and the weight to be afforded to these policies reduced as a result. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits, or whether the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. Clearly, these assessments can only be considered following an examination of all of the issues within the planning balance.

## *Housing Land Supply*

102. As part of the determination of DM/16/00400/OUT, the Council accepted that it was unable to demonstrate a five year housing land supply based on an up-to-date Objectively Assessed Need, it could nonetheless demonstrate a robust and significant supply of housing land equivalent to over 5 years when measured against ONS household projection statistics. Accordingly, it was considered that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if such a healthy land supply was not demonstrated.
103. The Council's current position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 years of deliverable housing can be demonstrated. 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.

## Locational Sustainability of the Site

104. The County Durham Settlement Study 2018 (original scheme assessed against 2012 version) is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies within Sherburn, one of the larger villages within the County. Is rated as having a settlement score of 37.2 based on the services and facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth. Distances to local services, facilities and amenities including bus stops remain unchanged through this application.
105. The outline consent secured a contribution of £38,571 to be used towards the surfacing and lighting of an adjacent Public Bridleway (No. 10 Sherburn Parish) which lies to the north east and a pedestrian refuge on Front Street in accordance with details contained on drg. no. A083889-1\_SK001. This contribution would continue to be secured along with an additional £3,857 (pro rata figure for 12no. additional units) to be used towards

a more flexible remit of improving Public Rights of Way in the vicinity of the development thereby mitigating the impact of the additional development. As such, the proposal would be in accordance with Policies R11 and T21 of the CDLP (consistent with the NPPF) and Paragraph 98 of the NPPF which seek to protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.

106. Overall, it is considered that the site has access to a number of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Walking distances and established bus services would give future residents alternative options to the private motor car to access services. No objections were raised to the originally approved development on the grounds of its locational sustainability credentials and the addition of 12 further dwellings to the site as whole results in Officers drawing the same conclusions.
107. The development would promote accessibility by a range of methods in accordance with Policies Q2, R11, T5 and T21 of the CDLP (all considered consistent with the NPPF) and Part 9 of the NPPF Promoting Sustainable Transport.

#### Highway Safety and Access

108. CDLP Policy T1 precludes development proposals that would result in a level of traffic detrimental to highway safety or which would have a significant effect on the amenity of occupiers of neighbouring property. Policy T1 is considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, it can be given full weight in considering the application. The NPPF, at Paragraphs 108 and 109, also sets out that when considering development proposals, it should be ensured any significant impacts from the development on the transport network (in terms of capacity and congestion), can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
109. Paragraph 111 sets out that all developments that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In this respect, the application is accompanied by a Transport Statement (TS) and a Travel Plan (TP). Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues.
110. CDLP Policy Q2 outlines that the layout and design of all new development should take account the requirements of all users including ensuring a satisfactory means of access and manoeuvring of vehicles. Policy Q2 is considered consistent with the NPPF and can be afforded weight. Though CDLP Policy T10, advising on parking provision, is a policy relevant to the proposal it is considered inconsistent with the NPPF in-so-far as limiting parking spaces within development and, therefore, attributed very limited weight in the decision-making process. Car parking standards are now outlined in the Council's Residential Car Parking Standards.
111. The development would utilise the approved (as part of DM/16/00400/OUT) and as now constructed access off Mill Lane. The site access and traffic impacts associated with the substitution of plot types and increase in dwellings (12no.) are set out in the TS. The Highway Authority consider that the existing access is designed to acceptable standards using acceptable design parameters and raises no road safety concerns from highways development perspective. The 8no. peak hour trips associated with the 12

additional dwellings would not be material or detectable and would be well within a typical daily variation in traffic flow on that part of the network (Mill Lane Carries 5000 vehicles per day with a typical 550 at peak hour and daily variation of 50 vehicles). Following some amendments, the internal layout has also been agreed and car parking standards are also deemed to be acceptable. As such the Highway Authority raise no objection to this development subject to a condition being imposed to secure improvements to the Mill Lane – B1283 mini-roundabout junction, replicating condition 10 of DM/16/00400/OUT. The agreed works included a realignment, lining and signing scheme to improve safety and capacity prior to the occupation of the 50<sup>th</sup> dwelling on site.

112. A number of objections received raise specific concerns in relation to the Road Safety Audit (RSA). The road safety audit was undertaken on the detailed design of the junction. However, the detailed design is not undertaken until after planning permission is granted to avoid abortive work and costs should the application be refused. The principle of the access was accepted as part of DM/16/00400/OUT at which time road safety and junction stability were assessed. The RSA followed DfT (Department for Transport) guidelines and all issues raised have been addressed by designers and accepted by the Highway Authority as the Overseeing Organisation for the highway network. There are no outstanding road safety issues and the development access is deemed to be acceptable from a highway safety perspective.
113. The proposal and supporting documents have been considered by the Council's Sustainable Travel Team who advise that their original comments still stand. The Travel Planning Officer has previously advised through DRC/19/00239 that the Travel Plan meets DCC requirements and adherence to this can be secured by condition.
114. Overall, the highways impacts of the proposed development are considered to be acceptable in accordance with CDLP Policies T1 and Q2 as well as Part 9 of the NPPF.

#### Landscape Impact, Layout and Design

115. CDLP Policy Q8 requires that developments relate well to their built environment surrounds and seek to retain existing landscape features of the area. The Policy also requires adequate provision of open space and the establishment of a clear and defined road hierarchy. CDLP Policy H13 seeks to resist development that would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents. CDLP Policies E14 and E15 seek to safeguard existing trees and hedges and provide new trees and hedgerows as part of new development proposals. CDLP Policies Q5 and Q6 require a high standard of landscaping where a new development proposal would have an impact on the visual amenity of the area, and peripheral structural landscaping where the site lies on the outer edge of a settlement. These policies are considered consistent with Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. 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 CDLP Policies Q5, Q6, Q8, H13, E14 and E15 in this respect.
116. The specific proposals are considered to raise no new implications with regards to landscape impact given the footprint of development remains the same and conditions will be reimposed to secure the peripheral structural landscaping to the southern site boundary, the implementation of the general landscaping scheme and the maintenance

of landscaping thereafter. Overall, it is considered that there would be no significant adverse landscape impacts and the proposals would be compliant with policies Q5, Q8, H13, E14 and E15 of the CDLP and Parts 12 or 15 of the NPPF.

117. The proposed layout is broadly similar to the one which was approved as part of DM/18/03759/RM, the main difference being in the northwest corner of the site. The proposed layout generally creates a back-to-back arrangement with existing dwellings on Mill Lane and utilises perimeter blocks within the site. The scale of the buildings are principally two storey however the Windermere house type would be 2.5 storeys high. Site levels fluctuate throughout the development therefore the properties will have/appear to have varying heights and will be commensurate with the surrounding area. The proposed house types are considered to be acceptable with reference taken from the character and appearance of the Sherburn Conservation Area, combining brickwork alongside artstone heads and cills to provide visual interest and lift the overall quality. There is a range of house types and true corner-turning units are utilised at street junctions providing visual relief within the development. The palette of materials is also considered to be acceptable. The appearance of enclosures, pedestrian and public spaces is considered to be appropriate, reflecting the character of the surrounding area and achieves a co-ordinated approach across the development. Overall it is considered that this design approach would be adequately in keeping with the surrounding area and would preserve the character and appearance of the conservation area. No objection has been raised by colleagues in the Design and Conservation Section.
118. In light of the extant consent and that the amendments proposed are considered relatively minor in the context of the overall scheme, it was not deemed necessary to take the revised scheme through the Council's in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. Notwithstanding this, design issues have been fully considered through the application process. Post permission changes to schemes through the submission of revised applications are relatively common. It is not considered that the inclusion of 12no. additional units within the scheme has materially diminished the overall quality of the previously approved scheme.
119. Policy Q15 sets out that the Council will encourage the provision of artistic elements in the design and layout of the development. Although the NPPF is silent on public art, it is supportive of ensuring that development makes places better for people and the policy can be afforded some weight as a result. As part of the outline consent, there was an obligation to provide public art on site or to provide a financial contribution of £75,000 towards the provision of public art within the vicinity of the site. The developer considers that a financial contribution would better serve the needs of the development and the wider community. Persimmon Homes, therefore, now propose a financial contribution of £82,500, increased from £75,000 on a pro rata basis to reflect the additional units proposed, to be used towards public art and environmental/community improvements. Paragraph 92 of the NPPF encourages decisions to enhance the sustainability of communities and residential environments by planning positively to provide the social, recreational and cultural facilities and services that they need. This revised financial contribution would fulfil the wider intentions of Policy Q15 and paragraph 92 of the NPPF as well as facilitating a more flexible approach which can better respond to the local community's aspirations. The contribution can be secured through the S106 legal agreement.
120. With regards to landscape impact, layout and design the development would be compliant with policies Q5, Q6, Q8, H13, E14 and E15 of the CDLP and Parts 12 or 15 of the NPPF.



## Residential Amenity

121. CDLP Policy H13 states that planning permission will not be granted for new development that would have a significant adverse effect on the amenities of residents within them. CDLP Policy Q8 seeks to provide adequate amenity and privacy for each dwelling and minimise the impact of the proposal on existing residents. These policies are considered consistent with Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. It should also be noted that since the grant of the extant planning permission a Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
122. The revised site layout indicates that generally separation distances between dwellings in the development are in excess of 21m between facing principal elevations or 13m between principal and gable elevations as advocated in the Local Plan and SPD. There are a few instances where distances fall slightly short although not to an unacceptable extent. These all relate to relationships between the proposed dwellings. Distance standards with properties external to the development are comfortably achieved. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts.
123. Levels fluctuate throughout the site and are therefore a consideration. In support of the application plans showing the proposed site levels and finished floor levels have been submitted which are considered sufficient to demonstrate that suitable arrangements can be achieved.
124. There is the potential for disturbance during the construction period, therefore, a Construction Management Plan (CMP) has been submitted in support of the application. Officers in both Environment, Health and Consumer Protection (Nuisance) and Compliance and Monitoring consider sufficient mitigation would be provided subject to conditions to secure adherence to this and hours of working.
125. Similarly, Environment, Health and Consumer Protection advise that the submitted information demonstrates that the application complies with the thresholds stated within the TANS and Air Quality Standards and Objectives. As such, there would not be an adverse impact on the environment having regard to paragraph 181 of the NPPF.
126. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with CDLP Policies H13, Q1, Q2, Q4 and Q8 and Parts 12 and 15 of the NPPF.

## Ecology

127. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. CDLP Policies E16, E17, E18, E19 and E20 protect and promote nature conservation, and in particular relate to Sites of Special Scientific Interest (SSSI), Sites of Nature Conservation Importance, wildlife corridors and Local Nature Reserves. The advice contained within these policies is considered consistent with that within the NPPF and can be afforded weight.
128. A condition was attached to the outline consent to ensure that the development of the site shall take place in full accordance with the ecological recommendations. The RM consent secured a detailed scheme of landscaping including features to enhance biodiversity. In respect of these applications, the Council's Ecologist raised no objection.

129. In support of this revised application an ecological review has been submitted which The Council's Ecologist has confirmed is considered sufficient to inform this application. No additional survey work or mitigation is required over and above that secured as part of the original applications.
130. On the basis conditions are imposed to secure ecological mitigation and the implementation of the approved landscaping scheme the revised proposal would continue to comply with CDLP Policies E16, E17, E18, E19 and E20 and Part 15 of the NPPF in this respect. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and Drainage

131. 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. CDLP Policy U8A requires satisfactory arrangements to be made for the disposing of foul and surface water discharges. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision-making process.
132. The site is located within flood zone 1 and thereby at the least risk of river flooding. A suitable scheme foul and surface water drainage scheme has previously been agreed in conjunction with Drainage and Coastal Protection Officers and NWL. As the additional units would be accommodated within the same development footprint, the scheme would raise no new implications with regards to flood risk and drainage. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
133. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to CDLP Policy U8A and Part 14 of the NPPF.

#### Heritage and Archaeology

134. The site has been subject to previous archaeological assessment (see DM/16/00400/OUT and DRC/19/00239). On this basis the Council's Archaeologist has confirmed that there is no archaeological objection to this scheme. The proposal is therefore considered to comply with CDLP Policies E21 and E24 and Paragraph 128 of the NPPF. These Policies are considered either partially (E24) or fully (E21) consistent with the content of the NPPF and can be attributed weight in the decision making process.
135. The Sherburn Conservation Area immediately abuts the application site to the north with approximately 0.09ha of the site in the north eastern corner lying within the Conservation Area. St Marys Church (Grade II) lies approximately 400 m to the north west of the application site. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

136. With regards to the change of use of a small part of the Conservation Area in the north-eastern area of the site, it is considered that the character and appearance of the conservation area would be preserved and enhanced through the landscaping of this area.
137. In terms of the Sherburn Conservation Area, whilst the proposed development would incur some loss of openness immediately adjacent to the conservation area, it is not considered that the site particularly contributes to the significance of the whole of the conservation area or its setting. The overall impact on the character and setting of the conservation area is therefore assessed as being negligible with the potential opportunity through considered design to preserve or enhance the setting at the interface and in the area of the small parcel of land within the conservation area. In assessing the impact of the proposals in the round and, taking into consideration the quality of the conservation area the effects are negligible and should be considered as change rather than as being harmful. As such it is considered that the character and appearance of the conservation area would be preserved.
138. Whilst the St. Mary's Church tower/spire has a strong landmark presence within the village and can be seen in viewpoints from all directions within and outside the village and conservation area, including some locations within the site and its periphery, its role would not be affected by the development of this site. Furthermore, the church is already surrounded by housing development. Views are generally characterised by those over and including the eclectic historic and modern roofscapes or within the context of existing newer development in the foreground. It is considered that the proposed development would not impact on the significance of the listed building through changes to its setting as the church is already surrounded by modern and some historic development. Design and Conservation officers previously raised no objections to the proposal. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm to the setting of the listed church.
139. In conclusion the proposals would, therefore, accord with Part 16 of the NPPF and the requirements of CDLP Policies E21, E22 and E23. These policies are considered partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.

#### Infrastructure and Open Space Provision

140. CDLP Policy R2 seeks to ensure adequate recreational and amenity space in new residential developments. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policy R2 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.
141. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.

142. The original S106 Agreement, in accordance with the requirements of Policy R2, secured on-site provision equating to 10m<sup>2</sup> of informal play space and 20m<sup>2</sup> of amenity space per dwelling. The approved reserved matters layout demonstrated that not only will the requisite amount of open space be delivered but in the case of amenity space there would be significant over provision to the benefit of existing and prospective residents. The proposed site layout would still continue to deliver the same levels of open space provision. The additional impact arising from a further 12no. units has been assessed under the current OSNA requirements. The development would generate a required contribution of £35,646, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.
143. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The original S106 Agreement secured £157,885 to be used towards the provision and maintenance or improvement of educational facilities at Belmont Community School. The School Places and Admissions Manager advises that an additional 12 houses could produce an additional 4 primary pupils and 2 additional secondary pupils. Whilst there is sufficient capacity at the local primary schools, there remains insufficient capacity at Belmont Community College. A further contribution of £33,108 (2 x £16,554) to be used towards education provision is therefore required. These contributions would be combined and secured as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
144. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
145. At the time of the original application, it was concluded that the existing medical facilities within the area were capable of accommodating the additional patients from the proposed development and, therefore, no financial contribution was necessary as mitigation. The North Durham Clinical Commissioning Group (ND CCG) have been consulted on the current application and have advised that that a contribution would not be required in this case given the limited increase in dwelling numbers.

#### Affordable and Accessible/Adapted Housing

146. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. CDLP Policy H12 also encourages developers to provide for a fair and reasonable proportion of affordable housing, and for an appropriate variety of house types and sizes. The Council's Strategic Housing Market Assessment (SHMA) (January 2019) is the evidence base used to inform the need for affordable housing.
147. In accordance with the outline planning permission and associated S106 legal agreement, 24no. affordable units, comprising of 17no. affordable rent housing and 7no. affordable home ownership were secured as part of the RM layout. The site falls within the medium viability area meaning 15% of the 12no. additional properties within the scheme would need to be affordable equating to 2no. units. In accordance with paragraph 64 of the NPPF these two units should be delivered as in the form of affordable home ownership. The applicant has indicated that this level of provision

would be delivered to be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

148. Paragraphs 59 and 61 of the NPPF are supportive of ensuring that the needs of groups with specific housing requirements are addressed including that of older persons. Policy H12a of the CDLP outlines similar requirements. The SHMA outlines there is a need to provide 10% of the private and intermediate properties for older person including level access bungalows or Building for Life provision. As this was not an obligation of the original consent, this requirement would only extend to 10% of the 12no. additional dwellings therefore 1no. unit. This requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990.
149. In terms of housing mix, the development would provide a range of 2, 3, 4 and 5 bedroomed properties which would provide a mix of housing in compliance with CDLP Policy H12A and Part 5 of the NPPF.

#### Contamination and Land Stability

150. Given the sensitive end use of the site, Environment, Health and Consumer Protection Officers have considered a number of reports in relation to land contamination including with regards to land contamination including a Geoenvironmental Appraisal, Ground Gas Assessment and Validation report. They are satisfied with the information provided and confirm there is requirement for a contaminated land condition. They recommend an informative relating to unforeseen contamination is applied. On this basis this would ensure the site and the surrounding area would be safe from contamination risks the proposed development therefore complies with Policy U11 of the CDLP and Paragraph 178 of the NPPF which. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.
151. The Coal Authority records indicate that the northern tip of the site abuts the defined high risk area. However, the main site itself lies outside this and therefore they do not object to this application subject to an informative relating their standing advice. The proposal therefore complies with Policy U13 of the CDLP and Part 15 of the NPPF in demonstrating that the site is safe and stable for future development. This Policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.

#### Planning Obligations

152. The S106 legal agreement in association with DM/16/00400/OUT secured a number of obligations (see paragraph 6 of this report for further details). These obligations are proposed to be revised to take account of the 12no. additional units proposed and to better reflect the requirements of the village. The obligations sought as part of this application are as follows;
- provision of 26no. affordable housing units comprising of 17no. affordable rent housing and 9no. affordable home ownership (an increase of 2no. homes for affordable home ownership from previous);
  - £190,993 towards providing additional secondary teaching accommodation at Belmont Community School (an increase of £33,108 from previous);
  - £35,646 towards improving offsite open space and recreational provision within Sherburn Electoral Division (the site layout demonstrates that the requisite amount of open space will be delivered and in the case of amenity space there would be significant over provision. The contribution now secured is solely to mitigate the impacts of the additional units);

- £82,500 to be used towards public art and environmental/community improvements within the vicinity of the site (an increase of £7,500 and wording amended to allow a more flexible remit to better serve the needs and requirements of the local community);
  - £38,571 to be used towards the surfacing of the public right of way, lighting of the public right of way and a pedestrian refuge on Front Street (B1283) (as per original requirement);
  - £3,857 to be used towards improving Public Rights of Way in the vicinity of the development (additional contribution to mitigate the impacts of the additional units).
  - Provision of 1no. unit to be constructed to Building Regulation M4(2) requirements (accessible and adaptable dwelling) (additional requirement to previous).
153. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to public rights of ways, off-site open space provision, additional teaching accommodation and public art and environmental/community improvements are considered to be in accordance with these tests, as is the securing of affordable housing.

#### Other Considerations

154. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. CDLP Policy U14 encourages that the design of a building minimises energy consumption and includes energy efficiency measures therefore the policy is considered consistent with the NPPF. The original planning permission was subject to a condition requiring that a carbon emission minimisation scheme be devised. This condition was previously discharged. This scheme has been updated to reflect the additional 12 dwellings proposed.
155. 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. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.
156. Application DM/16/00400/OUT acknowledged that the development would result in the loss of approximately 5.49ha of agricultural land, of which 2.5ha, is 'best and most versatile, however, concluded that this loss was relatively modest and would not amount to a significant adverse impact. The amendments proposed as part of this application raise no new planning considerations in this regard.
157. The proposal has generated some public interest, with seven letters of objection having been received from local residents and additional letters of concern from both local members. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. The access onto Mill Lane is now complete and the roadworks have been removed. Concerns regarding works continuing on site during the Covid 19 crisis are not planning matters. The objections raised during the previous applications were fully taken into account however ultimately the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended). Disruption arising during the construction process is temporary and conditions have been imposed to mitigate any significant adverse impacts.

## Planning Balance

158. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

## *Benefits*

159. The development would assist in maintaining housing land supply including the provision of affordable housing whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced. This boost to housing supply would also extend to the delivery of affordable homes.

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

161. The off-site PROW and POS improvements as a result of the contributions secured would not only help mitigate the impacts of the development but would also provide improvements to the surrounding PROW network and area which the public would benefit from as a whole.

## *Adverse Impacts*

162. No adverse impacts of any significance have been identified in relation to 12no. additional units being accommodated within the development site which benefits from extant consent.

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## **CONCLUSION**

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163. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

164. The principle of developing the site for housing was established under planning permission DM/16/00400/OUT with the detail resolved under the reserved matters approval (DM/18/03759/RM). Significant progression has been made on site therefore the principle of development should not be revisited under this application, the key issue being determining whether or not the additional dwellings have an acceptable impact.

165. Overall, the additional 12no. dwellings can be accommodated within the site without materially diminishing the overall quality of the previously approved scheme and impacts arising have been fully mitigated through additional S106 contributions. The scheme is considered acceptable in all other respects.

166. No adverse impacts of any significance have been identified in relation to 12no. additional units being accommodated within the development site which benefits from

extant consent. For the purposes of Paragraph 11d ii, any adverse impacts arising would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply position. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.

167. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to public rights of ways, off-site open space provision, additional teaching accommodation and public art and environmental/community improvements are considered to be in accordance with these tests, as is the securing of affordable housing and a dwelling to be to be constructed to Building Regulation M4(2) requirements.

168. The proposal has generated some limited public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended).

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- provision of 26no. affordable housing units comprising of 17no. affordable rent housing and 9no. affordable home ownership;
- £190,993 towards providing additional secondary teaching accommodation at Belmont Community School;
- £35,646 towards improving offsite open space and recreational provision within Sherburn Electoral Division;
- £82,500 to be used towards public art and environmental/community improvements within the vicinity of the site.
- £38,571 to be used towards the surfacing of the public right of way, lighting of the public right of way and a pedestrian refuge on Front Street (B1283).
- £3,857 to be used towards improving Public Rights of Way in the vicinity of the development.
- Provision of 1no. unit to be constructed to Building Regulation M4(2) requirements.

And subject to the following conditions:

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

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

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

Drg. no. 708. 02B Location Plan received 06/03/2020



Drg. no. MSL-001 Rev. N Proposed Site Layout received 12/05/2020  
Drg. No. MSL-002 Rev. F Materials Layout received 127/05/2020  
Drg. no. A083889\_002 Proposed Vehicular Access from Mill Lane received 06/03/2020  
Drg. no. AN-WD06 Rev. M Alnwick Plans and Elevations Village received 06/03/2020  
Drg. no. WS-WD06 Rev. C Belmont Plans and Elevations Village received 06/03/2020  
Drg. no. HT-WD06 Rev. C Derwent Plans and Elevations Village received 06/03/2020  
Drg. no. HTC-WD06 Rev. C Derwent Corner Plans and Elevations Village received 06/03/2020  
Drg. no. CT-WD06 Grasmere Plans and Elevations Village received 06/03/2020  
Drg. no. RS-WD06 Rev. B Hornsea Plans and Elevations Village received 06/03/2020  
Drg. no. SU-WD06 Rev. A Windermere Plans and Elevations Village received 06/03/2020  
Drg. no. SU-WD16 Windermere Plans and Elevations Village received 06/03/2020  
Drg. no. CD-WD06 Rev. C Coniston Plans and Elevations Village received 06/03/2020  
Drg. no. CDC-WD06 Rev. C Coniston Corner Plans and Elevations Village received 06/03/2020  
Drg. no. HB-WD06 Rev C Barton Plans and Elevations Village received 06/03/2020  
Drg. no. SGD-01B Rev. B Plans and Elevations (Single/Double Garages) received 06/03/2020  
Drg. no. SGD-02B Rev. B Plans and Elevations (Triple Garages) received 06/03/2020  
Drg. no. SGD-07B Rev. B Plans and Elevations (Quad Garage) received 06/03/2020  
Sustainability and Fabric Improvement Calculation document received 20/07/2020  
Drg. no. N17254-200 Rev X19 Engineering Layout received 08/06/2020  
Drg no. N17254-240 Rev X10 External Works Sheet 1 received 20/04/2020  
Drg no. N17254-241 Rev X11 External Works Sheet 2 received 08/06/2020  
Drg no. N17254-242 Rev X9 External Works Sheet 3 received 20/04/2020  
Combine Harvester (In) received 06/03/2020  
Combine Harvester (Out) received 06/03/2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E7, E10, E14, E15, E16, E17, E18, E19, E20, E21, E22, E23, E24, H12A, H13, T1, Q1, Q2, Q5, Q6 and Q8 of the City of Durham Local Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. No more than 50 dwellings shall be occupied until the roundabout improvements at the Mill Lane-B1283 junction as shown on WYG Drawing A083889\_SK10 REV A, have been fully implemented.

*Reason: In the interests of highway safety having regard to the objectives of Policy T1 of the City of Durham Local Plan and Part 9 of the NPPF.*

4. The 'general' landscaping scheme as approved by plans ref: c-1622-01 Rev. G, c-1622-02 Rev. F, c-1622-03 Rev. G, c-1622-04 Rev. F, c-1622-05 Rev. F and c-1622-06 Rev. F shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area having regards to Policies Q8 and Q15 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF.*

5. Areas of 'general' landscaping and public open space within the development hereby approved shall be managed and maintained in perpetuity in full accordance with the Landscape Management and Maintenance Plan for Open Space Areas received 06/03/2020.

*Reason: In the interests of appearance of the area in accordance with Policies Q8 and Q15 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF.*

6. Within the first six months from the commencement of the development, the peripheral structural landscaping along the southern site boundary as approved by plans ref: c-1622-01 Rev. G, c-1622-03 Rev. G, c-1622-04 Rev. F, c-1622-05 Rev. F and c-1622-06 Rev. F shall be installed. Thereafter, it shall be managed and maintained in perpetuity in full accordance with the Structural Landscaping Provision and Maintenance Note MLS-SLPM received 06/03/2020.

*Reason: In the interests of appearance of the area in accordance with Policies Q5 and Q8 and Q15 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF.*

7. No development shall take place unless in full accordance with the ecological recommendations detailed in Section 5 of the Habitat and Protected Species Risk Assessment by Penn Associates dated February 2016.

*Reason: In the interests of preserving protected species and their habitats in accordance with Policies E16, E17, E18, E19 and E20 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.*

8. The development shall be carried out in line with the drainage scheme detailed in the following documents and plans;

- Flood Risk Assessment report ref. TPIN1047/FRA Rev. E by Curtins dated September 2014
- SuDS Maintenance Plan ref. N17254 Rev. 1 by Patrick Parsons dated April 2019
- Drg. no. N17254-230 Rev X7 Private Drainage Layout Sheet 1
- Drg. no. N17254-231 Rev X9 Private Drainage Layout Sheet 2
- Drg. no. N17254-232 Rev X8 Private Drainage Layout Sheet 3

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policy U8A of the City of Durham and Part 14 of the NPPF.*

9. The Travel Plan as detailed in MTP Ref: 19-130 N Rev. A by Milestone Transport Planning Limited dated 09/07/2019 shall be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies Q2, R11, T5 and T11 of the City of Durham Local Plan and Parts 9 and 15 of the National Planning Policy Framework.*

10. The Construction Management Plan outlined within the Construction Management Strategy Note MLS-CMS rev B shall 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 Policy Q8 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.*

11. No external construction works, works of demolition, deliveries, external running of plant

and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 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 Policy Q8 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.*

12. Any tree or hedgerow within or on the site boundary must be adequately protected from the construction works in accordance with BS 5837 2012 and no trees or hedgerow within the site or on the site boundary as identified on the 'site location plan Drg. no. 708. 02B' shall be removed unless a scheme has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of both visual amenity and biodiversity having regard to the objectives of Policies E14, E16 and E19, and Part 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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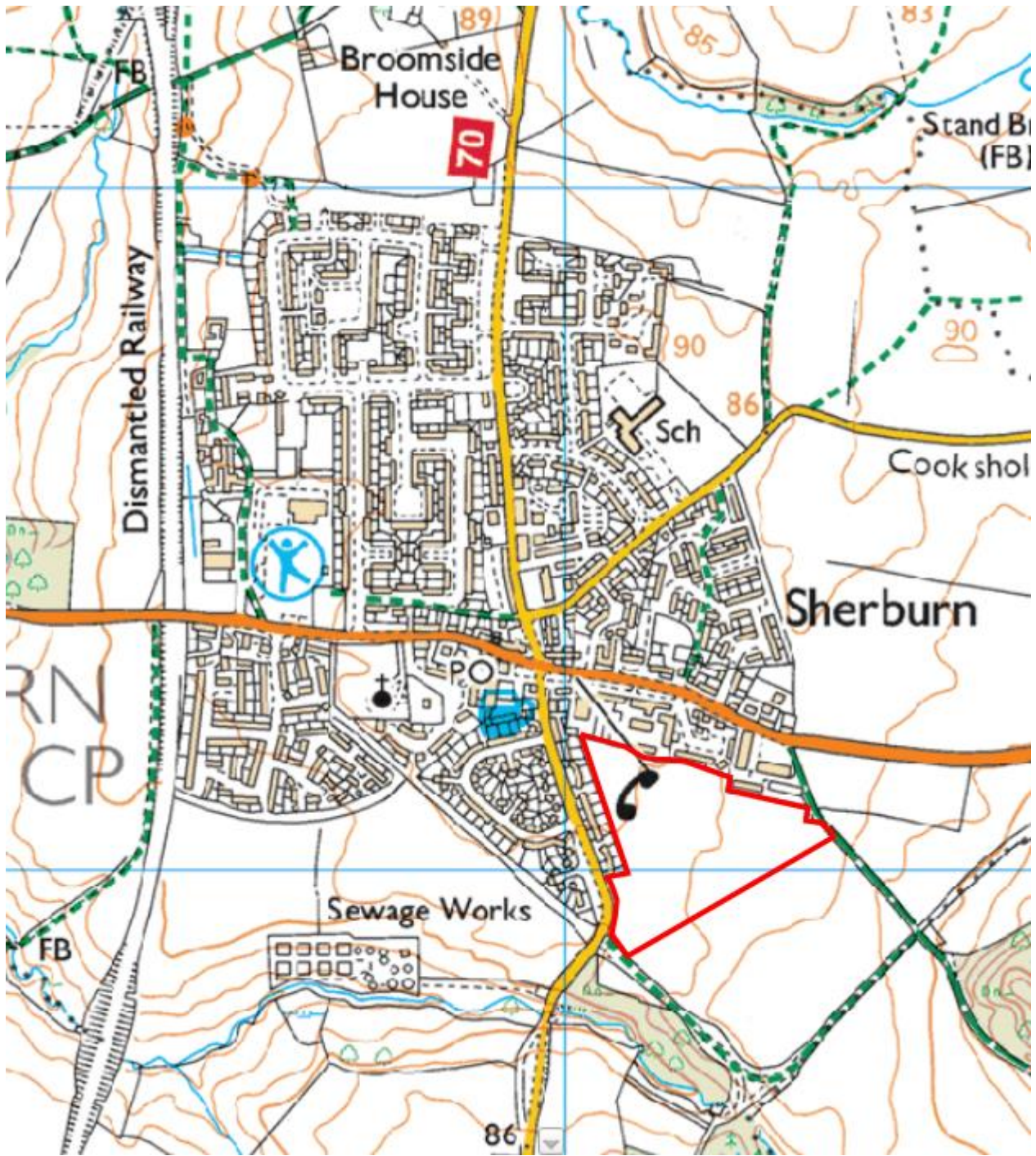
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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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 (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- County Durham Strategic Housing Land Assessment
- County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation response



**Planning Services**

12 additional dwellings (132 dwellings in total) linked to applications DM/16/00400/OUT & DM/18/03759/RM for the erection of 120 dwellings Persimmon Homes Durham Land To The East Of Mill Lane, Sherburn, DH6 1HP Ref: DM/20/00669/FPA

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**Comments**

**Date** 28<sup>th</sup> July 2020

**Scale** Not to Scale