



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00678/OUT
FULL APPLICATION DESCRIPTION:	Erection of up to 30 dwellings (all matters reserved)
NAME OF APPLICANT:	Mr Alan Etherington
ADDRESS:	Land to the south of Broadway Avenue, Salters Lane, Trimdon Village, Durham TS29 6PU
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 1.82 ha in area and is located to the west of Trimdon in the south east of the County. The site currently comprises an agricultural field with areas of scrub vegetation and crops. The site is bordered to the north by Broadway Avenue, a residential cul-de-sac consisting of a mix of single storey and two storey dwellings. The highway Salters Lane is located to the east across which lies an existing residential development. Open fields extend to the south and west and a Public Right of Way runs across the site in a south westerly direction. There is a noticeable level change across the site, with the land to the south being lower than that to the north. The Trimdon Village Conservation area lies 170m to the north east of the site.
2. Outline planning permission is sought for the erection of up to 30 Dwellings, with all matters remaining reserved. An indicative site layout, which mirrors the layout of Broadway Avenue shows the housing development could be a mix of semi and detached dwellings arranged around a cul-de-sac with vehicular access taken off Salters Lane.
3. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

4. An outline planning application was submitted in 2006 for the erection of up to 114 dwellings incorporating the application and a larger site, this was subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space

and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

12. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

15. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
16. *Saved Policy E1 – Landscape Protection and Enhancement* – Seeks to encourage the maintenance of distinctive landscapes by requiring developments fit into the landscape.
17. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative

suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

18. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
19. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- this Policy uses the National Playing Fields Association standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
20. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
21. *Saved Policy H8* – Sets out that within the residential framework of Trimdon Village housing development will normally be approved.
22. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and size including the provision of affordable housing where need is demonstrated.
23. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
24. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
25. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
26. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
27. *Saved Policy D8 – Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

EMERGING PLAN:

28. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
29. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
30. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420.
31. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
32. *Policy 15 – Development on Unallocated Sites in Built Up Areas* – Sets out that development on sites that are not allocated in the County Durham Plan will only be permitted provided the development is appropriate in scale, design and location to the character of the settlement, does not result in loss of a settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses. The policy states that greenfield extensions to settlements should be allocated in the CDP or neighbourhood plans.
33. *Policy 31- Addressing Housing Need* - sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
34. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.

35. *Policy 35 – Development in the Countryside* – Sets out that planning permission for developments in the countryside, with the exception of minerals, wastes and renewable energy proposals, will only be granted where they accord with other relevant policies or where the land is developed is allocated in the CDP or Neighbourhood Plan, the development proposals are necessary for the continues viable operation of agriculture, it will directly enhance local services, community facilities the development would enhance the environmental or tourism assets of the county or for the change of use of disused buildings or structures.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psdlp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* – Advise that the indicated access arrangements to the B1278 would be acceptable subject to further detailing in any reserved matters application. It is however highlighted that the indicated road layout would not comply with adoptable standards and would need revising. An offsite 1.8m wide footway improvement alongside the B1278 to link to adjacent developments would also be required.
37. *Environment Agency* – Object to the scheme advising that a Flood Risk Assessment should be submitted to enable the risk of on and off site surface water flooding to be considered.
38. *Northumbrian Water Limited* – Offer no objections subject to a condition requiring the submission of a detailed scheme for the disposal of surface and foul water utilising soakaways where appropriate.
39. *Trimdon Parish Council* – Offer support to the application as it is would help meet housing need maintaining the sustainability of the village. Local concerns regarding the Public Right of Way considering that it should be incorporated into the scheme or a suitable diversion put in place. The Parish Council is encouraged at number of affordable units to be provided (10%) but would like to see this percentage increased.

INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy Section* – Advise that the proposed development site is not considered suitable for housing given the landscape impact and low accessibility to a limited range of services and facilities, thereby not meeting the requirements of sustainable development. It is also advised that the Council has in excess of a five year supply of deliverable housing land to meet demand and therefore there is no overriding need to develop this site.

41. *Design and Historic Environment Section* – Consider that the development of the site would have an adverse visual impact while likely affecting the setting of the Trimdon Conservation Area.
42. *Landscape Section* – Advise that the site is prominent within the local landscape due the topography of the surrounding land and the lack of natural screening and development of the site would form an incursion into the landscape having an adverse visual impact.
43. *Archaeology Section* – Following the submission of desk based Archaeology Assessment it is recommended that a geophysical survey is carried out to identify any archaeology resource which may inform the layout of the site.
44. *Housing Development and Delivery Section* – Outline that an affordable requirement of 10% would be expected on this site.
45. *Schools Organisation Manager* – Highlights that the development would likely produce an additional 7 pupils. Trimdon Village Infant School will have no additional capacity after 2017 and therefore a contribution from the developer would be expected to fund an additional classroom equating to £44509.
46. *Ecology Section* – Raise no objections to the proposals, advising that the risk of presence of protected or priority species is low subject to the proposed mitigation measures.
47. *Public Rights of Way Officer* – Identifies that a Public Right of Way crosses the site which should be accommodated within the development.
48. *Environmental Health (Pollution Control)*- Offer no objections to the scheme subject to conditions controlling the working hours on site, burning of materials and generation of dust.
49. *Contaminated Land Section* – Given the undeveloped nature of the site conditions in relation to contaminated land should be attached to any approval.
50. *Arboricultural Officer* –Advises that any application should be supported by an Arboricultural Impact Assessment.
51. *Drainage Section* – Highlight that detailed information regarding surface water utilising soakaways in accordance with a surface water management plan should be submitted
52. *Sustainability Officer* – Advises that the site is not considered sustainable as it performs poorly in terms of economic outputs and average against social and environmental outputs. The significant issue which impact upon the site's sustainability is its adverse visual impact. No information has been submitted on how the development would embed sustainability into the development in terms of energy efficiency, carbon generational and renewable technologies.

PUBLIC RESPONSES:

53. The application has been publicised by way of press and site notices, and individual letters to neighbouring residents.
54. 12 Letters of objection have been received from neighbouring residents. The points raised are summarised below:-
 - Impact on residential amenity of Broadway Avenue in terms of overlooking, privacy, light and noise and disturbance caused by the development.
 - Visual impact of development on distinctiveness of local landscape and development of the countryside.
 - Adverse impact on the character and setting of the conservation area.
 - Loss of highway and pedestrian safety given the location of the proposed access and the location of a Public Right of Way.
 - Development of the properties would create an oversupply of housing in the immediate area where there is a lack of demand.
 - Lack of affordable housing on site, not according to the Council's requirements.
 - Adverse impact on public right of way, in terms of its usage and setting.
 - Impact of the development on the capacity of existing schools which cannot accommodate additional pupils.
 - Loss of view and devaluation of properties.

APPLICANTS STATEMENT:

55. The site is located directly adjoining the currently drawn settlement limit of Trimdon, which runs around the edge of the properties along the southern side of Broadway Avenue and the northern boundary of the application site. The application site therefore provides for an obvious location for expansion of this settlement at a time where there is a nationwide shortage of housing development land and a shortfall of actual housing completions within the County. Although the Council have recently granted some large permissions these sites are not being built out and there is a consistent failure in terms of delivery of housing targets
56. This proposal is not considered urban sprawl and would not lead to a coalescence of settlements. The new houses and their residents would help support local facilities, bus routes, shops nearby and local employment. Trimdon is considered to be a sustainable village even if the village might be considered to lack some facilities.
57. The provision of 10% affordable housing as part of the scheme is offered should the Planning Committee be minded to approve this outline application. Furthermore, if the Committee is minded to refuse with only 10% affordable housing provision a higher figure, 25%, or even 50% would be offered.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N31LRGGD0A000>

PLANNING CONSIDERATIONS AND ASSESSMENT

58. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, visual impact, infrastructure requirements, highway safety, flooding and drainage, amenity of adjacent land uses, ecological interests and other issues.

The Principle of Development

59. The application site is located outside of the residential framework of Trimdon, where saved policy H8 of the Sedgefield Borough Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing unless for exceptional circumstances. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.
60. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of policies E1, H8 and D1 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development.
61. When determining planning applications, all material considerations need to be taken into account, this includes the NPPF and the emerging County Durham Plan (CDP), and the evidence base behind it. Paragraph 47 of the NPPF indicates that it is the Government's ambition to boost significantly the supply of housing, while paragraph 49 indicates that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
62. The Council's spatial planning team has confirmed as part of its Strategic Land Availability Assessment (SHLAA) that a robust 5 year supply of deliverable sites against housing targets can be demonstrated. In reviewing delivery rates across the County over the past 5 years it is accepted that it will now be necessary to apply a 20% buffer for 'persistence underperformance' and make provision for 6 years (120%) supply within the 5 years as required by the NPPF. Notwithstanding this, the Council will still be able to demonstrate an adequate supply based on housing allocations, permissions and sites identified through the SHLAA. In addition within the Southern

Delivery Area there are a significant number sites with extant consents and under construction in comparison to other areas within the County. It is therefore considered that there is no overriding need to develop this site to meet the objectively assessed needs for housing within the County and specifically in the Southern Area.

63. In order to meet the ongoing housing requirement for the Southern Delivery Housing Area Policy 3 (Quantity of Development) and Policy 4 (Distribution of Development) of the emerging CDP have identified a number of housing allocations in the more sustainable 'Main Towns', 'Smaller Towns' and 'Larger Villages' of Bishop Auckland, Newton Aycliffe, Crook, Ferryhill, Chilton. The smaller settlements of Fishburn, Trimdon Village and the Trimdons have not been specifically targeted for accommodating housing allocations. However, the emerging policy framework and NPPF are supportive of further housing developments which are sustainable in all respects and therefore further housing growth may be permissible in addition to these settlements.
64. This approach is reflected in policy 35 (Development in the Countryside) of the CDP which assesses the locational suitability of new development, in line with the NPPF. This is based on the performance of proposals against identified criteria and does not rely on settlement boundaries. Policy 35 makes provision for development proposals where they are necessary for the efficient or continued viable operation of agriculture and/or other appropriate land based businesses, the direct enhancement of local services, community facilities or for the enhancement of tourism assets'. Although only limited weight can be given to this policy at this time it does set out the direction of emerging policy in line with paragraph 55 of the NPPF. It is considered that the development would not achieve any of these objectives and that no exceptional circumstances have been demonstrated in this case to outweigh the presumption against building on this undeveloped land. The SHLAA has also identified a more sequentially preferable site to the east of Trimdon that could be developed should this be required to meet housing need.
65. The NPPF requires that development should be located where it will maintain or enhance existing community facilities, and where the need to travel, particularly by the private motor car, will be minimised. In this instance the site is situated on the periphery of the settlement and not particularly well located to facilities within the village which are relatively limited. Accessibility is also disrupted by Salter's Lane and many of the services and facilities are beyond a short walking distance (in excess of 500m), including secondary schools, GPs and shops. The frequency of bus services and linkages with other main centres are also limited, it is therefore anticipated that development in this location would entail a significant reliance on the car and a resultant increase in convenience trips using this form of transport, rather than alternative travel modes by bus and walking/cycling.
66. In line with the requirement of policy 31 of the Emerging Plan and the Strategic Housing Market Assessment, a development of this nature would be expected to provide a 10% affordable housing provision, equating to 3 units. The applicant has confirmed a commitment to achieve this and has also

offered to increase this to potentially 50% in support the scheme. It is however considered that the provision of affordable housing should not in itself render an unsuitable site acceptable for development. In any event a Section 106 legal agreement would need to be entered into to secure this provision, no agreement has been forthcoming.

67. The NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. These should not be seen in isolation and are mutually dependant. It is accepted that the development of the site would boost housing supply and has the potential to provide a large proportion of affordable housing which is a key aspect of government policy. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development. Including in this case the protection of the rural landscape and open countryside and a location that provides good access to services. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, the plan led provision within the CDP and the identification through the SHLAA of a sequentially preferable site within Trimdon that could be developed. In principle therefore the proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.

Visual Impact

68. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted information suggests that it could replicate the linear form of development of Broadway Avenue. However due to the location of the ridge line, sloping topography of surrounding land, lack of natural screening and proximity of public receptors to the site it is considered that the development would be prominent within the Local Landscape. Although this is not covered by any specific landscape designation the site and surrounding land form part of an attractive approach to Trimdon from the south and south west. The substantial highway verge and landscape buffer running up Salters Lane also gives the impression that the road is the natural boundary to the settlement and that land lying to the west is viewed as open countryside. The Councils Landscape Officer considers that the development would represent an obvious encroachment into the open countryside and would have a negative visual impact contrary to saved policies E1 and D1 of the Local Plan. Concerns are also raised regarding the extent of cut and fill that may be required to facilitate the development, potentially increasing the prominence of the site. This has not been detailed in the supporting information.
69. Concerns are also raised from the Council's Design and Conservation Officer regarding the expansion around the historic village core which has the potential to impact upon the setting of the Conservation Area. However as this lies over 170m away from the application site and would not be seen in the same context it is considered on balance that there would not be any adverse impact on the character or setting of the conservation area.

Infrastructure

70. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. In this instance the Local Education Authority has highlighted that Trimdon Infant School will be at capacity in 2017. It is calculated that a development of 30 dwellings would likely generate 7.5 pupils of which 65% would be expected to be of infant age range. Based on a breakdown cost of £9130 per pupil a figure of £44509 has been requested to contribute towards offsetting the cost of providing this additional accommodation.
- No provision has been made to address this issue as part of the application and an appropriate contribution would need to be secured through a S106 agreement. This is an additional reason for rejecting the proposal.

Highway Safety

71. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the indicative access and the potential impacts on highway and pedestrian safety.
72. Although this matter is reserved for further consideration the ability of the development to provide an acceptable access does need to be given consideration. The submitted information indicates that vehicular access to serve the development would be taken from Salters Lane serving a cul-de-sac. This would be located further south than the existing farm access and route of the Public Right of Way. The Highways Authority raise no objections in principle to these access arrangements, advising that a satisfactory access could be created, subject to further detailing. It is however highlighted that the indicated road layout would not comply with adoptable standards and would need revising. An offsite 1.8m wide footway improvement alongside the B1278 to link to adjacent developments would be required. A number of mature trees are located in close proximity of the indicated access, however but it is considered likely that these could be retained. The Council's Arboricultural Officer advises that any reserved matters application should be accompanied by an Arboricultural Assessment.
73. The Council's Rights of Way Officer highlights that a Public Right of Way crosses the site which should be accommodated within the development unless an appropriate method of diversion is agreed.
74. Overall it is considered that the proposed development could be served by an appropriate means of access that would need to be detailed in any reserved matters application. The PROW route could also be protected subject to scrutiny of the layout in any reserved matters application.

Flooding and Drainage

75. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment. In this instance the development is located within Flood Zone 1.
76. In relation to surface water, no information has been submitted in relation to how surface water would be disposed of from the site. In addition and as required by the NPPF, a Flood Risk Assessment (FRA) is required to be submitted on development sites over 1ha in area considering the risks of flooding on site and or off site is surface water is effectively managed. No FRA has been submitted in support of the application. Given this lack of information the Environment Agency raise an objection to the scheme, the lack of a FRA is also flagged up by the Council's Drainage Section highlighting that surface water should be discharged as a preference into a soakaway or water course.
77. In this instance the applicant owns a significant amount of land around the vicinity of the application site where it is likely that infiltration drainage and SUDS techniques could be implemented, while also storm water attenuation measures could be incorporated into the scheme to limit discharge rate into the drainage system. On balance it is therefore considered that this matter could be controlled in more detail by condition and should not be an additional refusal reason for the application
78. In terms of the disposal of foul water, Northumbrian Water has raised no objection to the scheme, subject to a condition requiring the submission of a detailed scheme for further consideration.

Impact on amenity of adjacent residents and future occupants

79. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring occupiers. The indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan. The noise and disturbance generated by the residential development would also be compatible with surrounding residential uses. Subject to suppressing dust through the construction phase no objections are offered by the Council's Environmental Health Unit.
80. Objections have been raised by local residents regarding the loss of views from the residential properties of Broadway Avenue. While residents would experience a reduction in outlook, a loss of a view is not a material consideration and cannot be taken in to account in the determination of this application.
81. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 1800sqm across the scheme. Although the indicative site layout does not make any open space provision

this is a matter that could be covered by condition to ensure that any reserved matters application reflects this requirement. .

Ecology

82. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology survey report and assessed the potential impacts of the development on protected species.
83. The Ecology Section has reviewed the report and considers that the risk of protected or priority species being present is low. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 subject to implementing the proposed mitigation strategy.

Other Issues

84. Given that the site is changing to a more sensitive end use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination. An initial screening of the site has not flagged up any historic industrial use.
85. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The applicant has submitted a desk based Archaeology Assessment which identifies no known archaeological or historical assets within the site requiring preservation in situ. However the assessment recommends a geophysical survey to establish the nature and extent of any archaeological resource that may be present. In reviewing this assessment the Councils Archaeology Officer advises that the geophysical survey should be carried out before the determination of this application. However on balance given the nature of the application this work could be conditioned and undertaken before the submission of any reserved matters application which would inform the layout. An additional reason for refusal on this basis is therefore not recommended.
86. Planning plays a key role in helping to reduce greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure. A development of this nature would be expected to achieve at least 10% of its energy supply from renewable resources. A condition could secure this requirement.

CONCLUSION

87. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development

would represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape. It is therefore considered that the application conflicts with policies E1, H8 and D1 of the Sedgefield Borough Local Plan, which is considered consistent with the NPPF in this respect.

88. Although the scheme would make a contribution to housing supply, and has the potential to provide a large proportion of affordable housing, the promotion of growth and development should not be at the expense of other elements of sustainable development. It is considered in this instance that these potential benefits do not outweigh the adverse visual impacts of the development and the poor accessibility of the site to services. It is also considered that there is no overriding need to develop this site at this time given the Council's position in terms of housing supply, and plan led approach to provision within the CDP. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.
89. Although the applicant has confirmed a commitment to securing affordable housing on site, this does not override other considerations. A Section 106 legal agreement would need to be entered into to secure this provision, no agreement has been forthcoming.
90. The development would place an additional demand on existing infrastructure, with Trimdon Infant School reaching capacity in 2017. No provision have been made to help mitigate the impact of the development in this respect, contrary to policy D8 of the Local Plan

RECOMMENDATION

That the application is **Refused** for to the following reasons:-

1. The development is not considered to represent Sustainable Development when considering all of the elements of the National Planning Policy Framework.
2. The development would result in an encroachment in the open countryside adversely impacting upon its openness and visual amenity, contrary to saved policies E1, D1 and H8 of the Sedgefield Borough Plan and paragraph 17 of the National Planning Policy Framework.
3. In the absence of a planning obligation to secure affordable housing and provide the necessary infrastructure to mitigate the adverse impacts of the development, the proposal is contrary to policies H19 and D8 of the Sedgefield Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

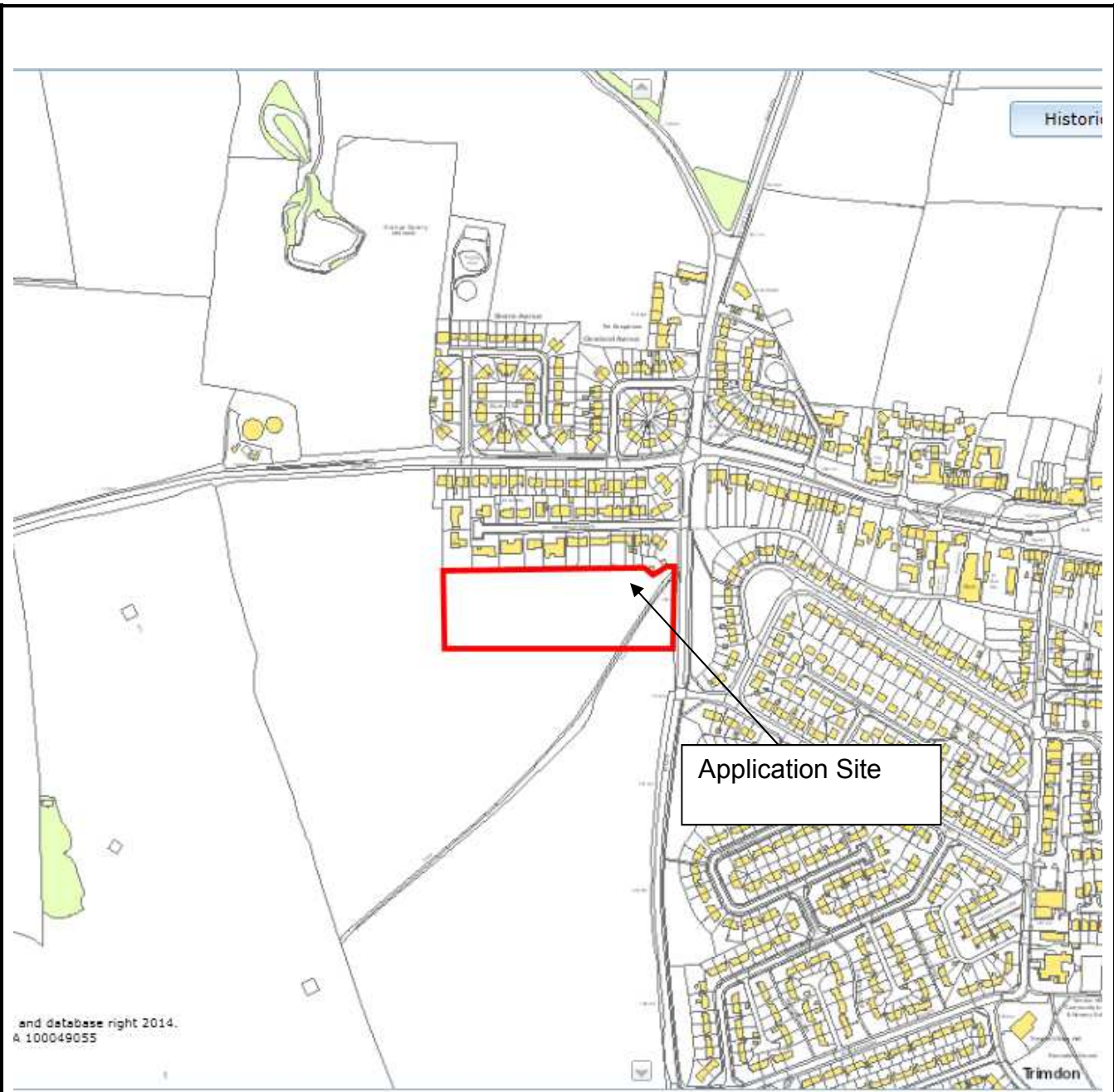
County Durham Plan (submission version)


Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited, Trimdon Parish Council

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section, Schools Organisational Manger and Arboricultural Officer.

Representations received from the public and other representative bodies



 <p>Planning Services</p>	<p>Erection of up to 30 dwellings (all matters reserved)</p>	
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	<p>Date 30th May 2014</p>	<p>Scale 1:2500</p>