

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02318/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development all matters reserved, indicative 34 dwellings
NAME OF APPLICANT:	North Yorkshire & South Durham Properties
ADDRESS:	Land South of Beacon Avenue, Sedgefield, County Durham
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an undeveloped parcel of agricultural land measuring 1.45ha in area, located on the south eastern edge of Sedgefield. The site is triangular in shape and a level change is evident, with the gradient rising from the southern boundary with Stockton Road to the northern boundary of the site which borders Beacon Lane. Agricultural fields are located to the west of the site while residential properties are located to the east leading up to the edge of the Sedgefield Conservation Area, the boundary of which is located approx. 60m away. The site is enclosed by mature trees and vegetation of varying densities on all three sides, although views through to surrounding land to the east are achievable.
2. Outline planning permission is sought for the erection of up to 34 dwellings, with all matters reserved for future consideration, this has been amended from the 42 originally proposed. The scheme indicates that the dwellings would be a mix of semi-detached and detached houses arranged around a series of cul-de-sacs with areas of open space created. An upgraded vehicle access would be provided from an existing field access on Beacon Avenue and would involve the removal of a section of existing hedgerow to improve site visibility. The indicative layout shows that the vegetation to the southern boundary with Stockton Road would be reinforced. The applicant has confirmed a commitment to provide 10% affordable housing across the site.

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

PLANNING HISTORY

4. There is no planning history directly associated with this site, the Council does however have a number of planning application for housing within the area pending decision.

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.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

LOCAL PLAN POLICY:

16. 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 Sedgfield Borough Local Plan are considered relevant.
17. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
18. *Saved Policy E4 – Green Wedges* - Identifies that proposals for built development will normally be refused where an area has been designated a Green Wedge which provides the settings of towns and villages.

19. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
20. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
21. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
22. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
23. *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 sizes including the provision of affordable housing where a need is demonstrated.
24. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
25. *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 equating to 60sqm per dwelling.
26. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *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.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *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.
30. *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:

31. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Durham City Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
32. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
33. A neighbourhood plan is in the process of being produced by the community setting out the preferences for how existing land and infrastructure should be used to enable controlled growth and development of housing, amenities and other facilities in the future. However this plan is at the early stages of its preparation with relatively limited consultation and therefore it can be afforded only very limited weight.
34. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.

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/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* – Advise that although the development falls below the threshold requiring a formal Transport Statement, the submitted statement has been reviewed and is deemed to be acceptable in assessing the impact of the development. The proposed access, although indicative at this stage, along with the existing Beacon Lane/C38 junction is considered appropriate to serve the development. Subject to minor amendments to be secured in any reserved matter application, no objections are raised on highway safety grounds and it is advised that the surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development.
36. *Environment Agency* - Offers no objection, but advise that consultation is held with the local sewerage operator to ensure that sufficient capacity exists to accommodate additional flows.
37. *Northumbrian Water Limited* – It is identified that Sedgefield Sewage Treatment Works are nearing capacity with an approximate 300 dwelling headroom. It is therefore advised that decision making should be co-ordinated so that the capacity is not exceeded.
38. *Sedgefield Town Council* - Raise objections to the scheme advising that any development of the site would fundamentally change the historic entrance into the village altering its character and distinctiveness. It is considered that the mediaeval rig and furrow that would be lost is a key part of the history and heritage of the town, while the development of a greenfield site and potential impact on trees and vegetation would also affect the character of the area. It is advised that the development of this site would be contrary to the emerging Sedgefield Neighbourhood Plan while insufficient infrastructure in terms of education and health facilities and sewerage capacity exist for a significant expansion of the village. . Concerns are also raised regarding the potential impact on the ecology interest of the site while localised flooding issues are highlighted.

INTERNAL CONSULTEE RESPONSES:

39. Spatial Policy Section - Advise that the NPPF states that local planning authorities should approve applications that accord with the framework, unless there are material issues that suggest otherwise. The Framework promotes sustainable development which is encapsulated through the key economic, environmental and social measures of sustainability. The scheme is not required in order to meet housing demand in the short term and is considered to conflict with policies of the Local Plan due to the impact on the surrounding landscape and heritage setting. It is not considered sustainable development when assessed against all parts of the NPPF and therefore should be refused. Limited weight should be afforded to emerging County Durham Plan policies in this instance given the level of objections and the interim findings of the planning inspector.
40. *Design and Historic Environment Section* – Consider that the proposal would be harmful to the setting of the Sedgefield Conservation Area and would result in loss of existing green space on the periphery of the village which forms an important backdrop in views in and out of the Conservation Area along Beacon Lane and Stockton Road. The open green setting of the conservation area is important to its

significance, however the significance of the conservation area is principally derived from the character of its historic core, centred around the village green and surrounding areas. In light of the additional information and amended plans, the proposal is considered to represent less than substantial harm to the significance of the heritage asset.

41. *Landscape Section* – Advise that the site is visible from both within the settlement boundary and Conservation Area, as well as from the adjacent open countryside to the east and south. The site itself is highly permeable with partial hedgerows allowing good views into the field from all three boundaries (from the C38 Stockton Road, the unclassified 44.8 Beacon Lane, and closed road forming a footpath, and described as the unclassified Stockton Road North). The views of this site, and through this site, are important as they enhance the setting of the Conservation Area, the value of the Green Wedge and the distinctiveness of the local landscape character. This development would result in the loss of views of the open countryside from the Conservation Area (the field itself forming part of the open countryside), as well as views towards the entrance to Sedgefield Conservation Area, particularly when driving or walking along the C38 Stockton Road.
42. *Sustainability Officer* – Advises the application site has been subject to Sustainability Appraisal as part of the SHLAA process, and is not proposed to be not allocated within the CDP. From a sustainability perspective the site was determined to have good social determinates, poor economic determinates and average environmental determinates culminating in a lower sustainability score. The significant adverse issues of loss of rig and furrow, impact upon Sedgefield Conservation Area and landscape impact adversely upon the sustainability credentials of the site. For this reason it is considered that development would not meet the presumption in favour of sustainable development. No information has been provided in terms of the energy performance of the dwellings, should planning permission be granted a condition requiring a scheme to embed sustainability and minimise carbon from construction should be incorporated in any consent.
43. *Arboricultural Officer* - Advises that a full tree survey would need to be supported in any future reserved matters application to safeguard the impact of the development on perimeter trees.
44. *Archaeology Section* - Following appraisal of the submitted archaeological assessment and geophysical survey, it is advised that it is unlikely that there are any potential heritage assets on the site. It is however identified that the site contains well preserved rig and furrow earthworks which are likely remnants of former medieval and post medieval townfields. Objections are raised regarding the development of this site and the potential impact of the landscape character of the site and its relationship with the conservation area.
45. *Contaminated Land Section* -Recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
46. *Drainage and Coastal Protection Team* - Advise that a surface water drainage scheme should be developed prior to the commencement of development which utilises soakaways where appropriate, limiting discharge from the development to greenfield run off rates. Mitigation measures to manage surface water flooding along the southern boundary of the site will need to be incorporated into the scheme.

47. *Ecology Section* - Has no objections, subject to the proposed mitigation measures detailed in the submitted ecological survey. It is also recommended that biodiversity enhancement be secured.
48. *Environmental Health Unit* – Offer no objections to the scheme noting that it would be unlikely that adjacent road noise would cause a nuisance for future residents. It is however suggested that conditions be attached to any approval to control working hours on site and the burning of materials to protect the amenity of residents during the construction phase.
49. *School Organisation Manager* – Advise that no contributions are required for additional school places.
50. *Housing Officer* - States that an affordable requirement of 10% would be expected on this site.
51. *NHS Trust* – No response received

PUBLIC RESPONSES:

52. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. 83 properties including the Durham Diocesan Board of Finance as a neighbouring land owner have submitted letters of objection in relation to the issues summarised below:-
 - The existing field is attractive and has a positive contribution to the character of the area, particularly on the approach into the village its loss would have and adverse visual impact. The field is also designated as a green wedge and should be protected and other development sites would have a lesser visual impact. Evidence of medieval rig and furrow is present in the field which contributes to its distinctiveness and should be protected
 - The Sedgefield Local Plan does not permit development of this site while any new housing should be limited in scale and provided in a controlled manner. The application should be considered against the backdrop of other housing sites put forward in the village which are currently being considered by the Planning Inspectorate and as proposed under the Neighbourhood Plan. There is no proven demand for the amount of housing proposed within the village. A significant influx of housing in the village will further impact on the already depressed housing market. The SHLAA and other background documents to the County Durham Plan have indicated that housing would not be appropriate in this location.
 - The scheme is considered overdevelopment while concerns are raised on the potential impact on mature trees, the style of the dwellings and their orientation, the nature of the housing and the lack of smaller and affordable units.
 - Concerns are raised over the capacity of the local road network and junction to accommodate the traffic generated by the additional dwellings and the resultant impact on parking pressures which are already strained.
 - Insufficient infrastructure exists to support additional housing development particularly in relation to the capacity of schools, medical services, sports facilities, water supply and drainage.

- There has been a lack of consultation by the applicant about the development.
 - The land has ecological value and concerns are raised regarding the impact on the development on this resource.
 - Concerns are raised regarding the potential loss of privacy and amenity to neighbouring properties. While localised flooding issues are highlighted.
53. Sedgefield Civic Trust - Object to the application and consider the land of great historical importance being a non-designated heritage asset showing an ancient field system. The site borders the Article 4 Conservation Area and is on the entrance to the village, the development of this site would cause a loss of public amenity and ruin the most prominent entrance into the village. The development does not meet policy E18 of the Sedgefield Borough Plan and threatens the village's heritage and the rural aspects of the conservation area. This application should not be seen in isolation with significant number of other applications for housing pending. Concerns are raised regarding the suitability of the access particularly in relation to emergency vehicle access to the remainder of the Beacon Lane Estate. Localised flooding issues are highlighted, while it is advised that there is insufficient sewerage capacity and low water pressure in the area. Further concerns are raised regarding the capacity of existing infrastructure to accommodate the development, including parking facilities, schools capacity while the layout would impact on existing trees and not provide an attractive frontage.
54. Sedgefield Village Residents Forum - Raise objections to the scheme highlighting that the piece of land forms an essential green corridor from the east into the village and the conservation area. Any development on the land will have a severe detrimental effect on the character of Sedgefield. Concern is raised regarding the extent of consultation in association with the planning application, and the capacities of existing schools, notwithstanding the comments of the Schools Organisational Manager.

APPLICANTS STATEMENT:

55. Members are aware of the uncertainty surrounding the CDLP and therefore the emerging planning policy position. If the Development Plan is out of date, as is the case here, the scheme should be considered in terms of paragraph 14 of the NPPF. Officers note that *"Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process"*. Furthermore Officers state 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"*. It is therefore incumbent on DC officers and Members alike to determine this application in accordance with NPPF, specifically Paragraph 14.
56. The NPPF provides a presumption in favour of sustainable development and requires that housing applications are determined in accordance with it. Paragraph 49 of national policy states that schemes should be approved without delay where authorities are unable to demonstrate sufficient housing supply. The NPPF also makes explicit that where policies are out of date (including where a Council cannot demonstrate a 5 year supply of deliverable housing sites) as is the case here, then planning permission should be granted for sustainable development unless the benefits of doing so are significantly and demonstrably outweighed.
57. The emerging Durham Local Plan will be revoked or indeed largely amended but this may take in excess of 12 months. Therefore no weight can be applied now. The

Sedgefield Neighbourhood Plan remains in draft form and therefore no weight can be attached for development control purposes. The proposals will result in a number of material benefits, including:-

- i. Boosting the supply of housing in a sustainable manner;
- ii. Delivering affordable housing;
- iii. Providing contribution to education facilities;
- iv. Providing contributions to improve open space provision in Sedgefield;
- v. Delivering much needed housing now.

58. A full and robust assessment of the site and surrounding landscape and nearby heritage has been undertaken by the Applicants team of professional consultants. They have robustly assessed and confirmed that the development would not bring about significant or demonstrable harm.
59. The proposals are compliant with the development plan as far as it is up to date and there are significant material considerations, including the clear expectations of the NPPF that weigh in favour of the grant of planning permission. The Applicant is able to demonstrate comprehensively that no harm would result from the development of this site. The submitted reports demonstrate that the granting of planning permission and future development of the site would not bring about impact which would “significantly and demonstrably outweigh the benefits” of granting planning permission. For the reasons outlined above we respectfully request that this outline planning application be approved without delay.

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=summary&keyVal=N9SHZ7GDHLV00>

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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 amenity and impact on the Conservation Area, highway safety, amenity of adjacent land uses, ecological interests and drainage issues.

The Principle of Development

61. The application site is located outside of the residential framework of Sedgefield, where saved policy H8 of the Sedgefield Borough Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing other than in exceptional circumstances. The site is also designated a ‘Green Wedge’ where policy E4 seeks to prevent built development, again unless in exceptional circumstances, such as for agricultural or essential sport and recreation facilities. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.
62. 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. It is however recognised that the NPPF promotes a more flexible approach to settlement growth and development. It is also noted that Green Wedges are not recognised within the NPPF as a method to safeguard land and therefore limited weight should be afforded to it, the development needs to be considered within the general aims of achieving sustainable development.

63. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
64. In regards to the sustainability of the site, some consideration has been given to this issue through the Strategic Housing Land Availability Assessment (SHLAA) as part of the evidence base to the emerging County Durham Plan. Although this assessment carries no weight as a decision making tool, it does provide a broad assessment to the overall suitability of developing the site. In this instance the site has been identified as amber (unsuitable for development). The site was considered to have good social determinates due to its proximity to the village centre which acts as a localised centre with a reasonable array of services to meet the needs of residents and surrounding villages. However the impact upon Sedgefield Conservation Area and the surrounding landscape adversely affected the sustainability credentials of the site. For this reason it is considered that development does not meet the presumption in favour of sustainable development. Issues regarding the visual amenity and heritage impact of the development are fully addressed below.
65. The NPPF states that where a local planning authority cannot demonstrate a 5 year housing land supply of deliverable sites, its housing policies should not be considered to be up to date. Although the level of land supply is constantly being reviewed particularly in light of the Planning Inspectors Interim findings, the Council's Spatial Policy Team has confirmed that at present the Council can demonstrate an adequate supply. Local Plan Policies can therefore be afforded weight in the decision making process. The level of supply and the weight afforded to policies has been disputed by the applicant. Notwithstanding the 5 year position, recent appeal decisions show that failure to demonstrate a 5 year land supply does not mean approving development at any cost and a comprehensive view of the sustainability of the development needs to be taken. Whilst it is recognised that schemes should not be resisted solely on housing oversupply grounds, this does enable the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.

66. This matter over site selection is currently being consideration through the Emerging Country Durham Plan, where the Council as part of its housing land supply is proposing to allocate a site of 450 dwellings at Eden Drive, Sedgefield. The proposal is in conflict with this proposed allocation.
67. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
68. In light of the above it is considered that the given the level of objections and the Inspectors Interim report no weight should be given housing policies within the County Durham Plan. However the Council strategy does retain a strategic view in terms of housing delivery within the Sedgefield area. A neighbourhood plan is also in the process of being produced by the community, which includes proposals for an alternative housing site. The current proposal conflicts with this plan, although it recognised that only very limited weight can be afforded to it given its stage of preparation.
69. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. It also requires that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing which is a key aspect of government policy. The site is also in close proximity of the village centre where there are good range of services and amenities to serve future residents. However the promotion of growth and development should not be at the expense of other elements of sustainable development, this includes the protection of the rural landscape and open countryside and historic environment. 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 emerging CDP and Neighbourhood Plan.
70. The applicant has offered to make a financial contribution towards educational facilities. However as advised by the Council's Schools Organisational Manager there is sufficient capacity within the area to accommodate any additional pupils generated by the development. No weight in the determination of this application should therefore be afforded to this offer. The applicant has also made a commitment to providing employment opportunities during the construction phase, however this is a voluntary arrangement given the lack of any clear policy justification no weight should be given to this matter.

Visual Impact and Impact on Conservation Area

71. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.
72. The application site is a green field location. Its western and part northern boundaries border the existing development of Sedgefield, separated by the highway Stockton Road and Beacon Lane. However due to the dense nature of vegetation along the northern boundary and ready views to the open countryside from its eastern boundary the site has the appearance of being undeveloped on two sides and being located within the open countryside. Although the surrounding landscape is not covered by any specific designation, other than a green wedge, the site is considered an attractive approach in the village, helping to define its rural character.
73. The layout and appearance of the proposed development is not under consideration, at this stage. However the submitted information suggests that the development would be arranged around a series of cul-de-sacs with small areas of public open space through the scheme. The layout also indicates that the landscaping would be enhanced to Stockton Road, to help assimilate the development in the landscape.
74. As part of the supporting information a Landscape and Visual Review has been submitted appraising the development from a number of key views. The Council's Landscape Officer has reviewed this assessment and considers that a development in this location would not form a natural extension to the settlement of Sedgefield, but represent an incursion into an attractive landscape. It is also highlighted that there is strong evidence of medieval rig and furrow which further adds to the landscape character and value of the field. Development of this site is therefore considered to have a significant adverse visual impact on the surrounding landscape and on the approach to the village and fail to comply with policies E1 and D5 of the Local Plan and Part 11 of the NPPF.
75. The application site is located a minimum of 60m from southern border of the Sedgefield Conservation Area. Local Plan policy E18 and part 12 of the NPPF seek to preserve the historic environment, particularly the character and appearance of Conservation Areas.
76. In assessing the impact on the conservation area the views of the Council's Design and Conservation Section has been sought, who advises that the proposal would be harmful to the setting of the Conservation Area. This is because of the loss of an existing green space on the periphery of the village which forms an important backdrop of views in and out of the conservation area along Beacon Lane and Stockton Road. The development would therefore fail to conform to policy E18 of the Local Plan.
77. However it is advised that although the open green setting of the conservation area is important to its character, its significance is principally derived from the character of its historic core, centred around the village green and surrounding areas. On this basis the development is considered to represent less than substantial harm to the significance of the heritage asset and paragraph 134 of the NPPF could apply. This requires harm to the significance of the heritage asset to be weighed against the public benefits of the proposal.

78. Overall it is considered that the development would represent an unacceptable encroachment into the countryside that would have an adverse visual impact on the surrounding landscape and approach to Sedgefield. The proposal would also have an adverse impact on the setting of the Conservation Area. It is therefore considered that the application conflicts with policies E1, E18, and D1 of the Sedgefield Borough Local Plan

Highway Safety and accessibility

79. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the capacity of the existing road network and accessibility for emergency vehicles to access the site.
80. Although indicative at this stage, it is proposed that the existing field onto Beacon Lane would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is also indicated that the dwellings would be arranged a series of cul sacs.
81. Although the proposal falls below the thresholds requiring a Transport Statement, the applicant has submitted a statement in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme advising that the surrounding road network and the adjacent junction could adequately accommodate the likely traffic generated from the development.
82. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding the access, highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

83. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. No nuisance, noise or disturbance impacts above those associated with residential uses are predicted. Subject to suppressing dust and controlling working hours through the construction phase no objections are offered by the Council's Environmental Health Unit.
84. 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 2040sqm across the scheme. The layout indicates a provision of 2100sqm of open space, in line with policy L2.
85. A land contamination survey has been undertaken on the site which identifies the low risk of contaminants being present. The Council's Land Contamination Officer considers the findings of the report sound subject to conditions requiring appropriate site investigations.

Ecology

86. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
87. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Flooding and Drainage

88. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
89. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme subject to a condition detailing the drainage system for approval. However it is identified that the Sewerage Treatment Works in Sedgefield are nearing capacity with a 300 unit headroom limit and it is advised that any future growth should be coordinated in this respect.
90. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1, it is also proposed that surface water discharge from the site would be restricted to greenfield runoff rates. Having considered this flood risk assessment the Environment Agency and Council's Drainage Officer have no objections to the scheme, it is however identified that part of the site suffers from localised surface flooding and appropriate mitigation measures would need to be incorporated into any scheme.

Other Issues

91. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey which has not identified any heritage assets apart from the rig and furrow. The Councils Archaeology Officer, although not supportive of the application raises no objections from an archaeology point of view.
92. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. Although the applicant has undertaken a commitment to achieve this, no details have been supplied to show how this would be achieved. This matter however could be controlled by condition to demonstrate how energy efficiency would be addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

CONCLUSION

93. 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 and approach to Sedgefield. The proposal would also have an adverse impact on the setting of the Conservation Area. It is therefore considered that the application conflicts with policies E1, E18, and D1 of the Sedgefield Borough Local Plan, which are considered consistent with the NPPF in this respect.
94. Although the scheme would make a small contribution to housing supply, and has the potential to provide a 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 and heritage impacts of the development. 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 emerging CDP. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF.

RECOMMENDATION

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

1. The Local Planning Authority considers that the development would represent a significant incursion into the open countryside in conflict with policies E4 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 and Part 11 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, as a result of its siting in open countryside would unreasonably and unacceptably alter the character and setting of the settlement Sedgefield and the Sedgefield Conservation Area, contrary to policies E4, E18, and D1 of the Sedgefield Borough Local Plan, and paragraphs 7, 17 and parts 11 and 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. However, in this instance, fundamental matters of principle were unable to be addressed satisfactorily.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

County Durham Plan (Submission version) and

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited.

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 and Arboricultural Officer.

Representations received from the public and other representative bodies

Planning application file DM/14/02318/OUT



Planning Services

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Erection 34 dwellings (outline)

Comments

Date 28th April 2015

Scale 1:5000