

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01714/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of up to 30 dwellings (all matters reserved)
<b>NAME OF APPLICANT:</b>	Mr Alan Etherington
<b>ADDRESS:</b>	Land to the south of Broadway Avenue, Salters Lane, Trimdon Village, Durham TS29 6PU
<b>ELECTORAL DIVISION:</b>	Trimdon and Thornley
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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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. This application is a resubmission of a previously refused scheme seeking outline planning permission for the erection of up to 30 dwellings, with all matters reserved. The application is supported by a revised Planning Statement, Mitigation and Enhancements Strategy and Viability Assessment in order to try and address the previous reasons for refusal. There also have been amendments to the layout and mix of dwellings on the indicative layout, while access would remain off Salters Lane. Three of the dwellings would be offered on an affordable basis. The Landscape Visual Impact Assessment shows that a comprehensive landscaping buffer would be provided at a minimum width of 25m to the south, west and east of the development site. This area would be planted up to screen the development and would also contain SUD's drainage points and access tracks linking to the B1278 Salters Lane to the east and up to the C24 West Road to the North.

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

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## **PLANNING HISTORY**

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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.
5. Outline planning permission was refused in 2014 for the erection of up to 30 dwellings for 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.*

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. 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.
7. 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.
8. *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.
9. *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.

10. *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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *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:**

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 Sedgefield Borough Local Plan are considered relevant.
17. *Saved Policy E1 – Landscape Protection and Enhancement* – Seeks to encourage the maintenance of distinctive landscapes by requiring developments fit into the landscape.
18. *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.
19. *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.
20. *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.
21. *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.
22. *Saved Policy H8* – Sets out that within the residential framework of Trimdon Village housing 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 size including the provision of affordable housing where need is demonstrated.
24. *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.
25. *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.
26. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

27. *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.
28. *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:**

29. In Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*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*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

31. *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 in instances and would need revising, while the layout would need to conform to 2013 residential parking standards. An offsite 1.8m wide footway improvement alongside the B1278 to Broadway Avenue to the north and bus stop to the south.
32. *Environment Agency* – Advise that the scheme now falls outside the scope of statutory consultation but provided standing advice in relation to groundwater protection.
33. *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.
34. *Ramblers Association* – No response received

35. *Trimdon Parish Council* – Offer support to the application as it is would help meet housing need maintaining the sustainability of the village and meet housing need.

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

36. *Planning Policy Section* – Advise that the principle of developing the site as a residential extension to the existing settlement of Trimdon Village would not be supported by the existing development plan. The proposal therefore conflicts with Local Plan policy H8. However recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. It is advised that policies for the supply of housing based on housing figures, which did not represent an objectively assessed need, are "out of date" irrespective of the Councils position on 5 year supply. In relation to this application policies for the supply of housing in the Local Plan which contain settlement boundaries including Policy H8, were based upon housing supply figures derived from the former County Structure Plan which considered housing need up to 2006. Therefore, policy H8 does not reflect an up to date objective assessment of need and is therefore considered "out of date", for the purposes of Paragraph 14 of the NPPF and no weight can be afforded to this element of the policy.
37. It is therefore advised that there will need to be careful consideration as to whether the site comprises part of the built-up area, and whether the impacts with regard to landscape, ecology and settlement form will be acceptable to prevent development which would constitute a significant protrusion into the open countryside and which would have an unacceptable landscape impact. To be considered acceptable the proposal needs to demonstrate material considerations to outweigh the adopted policy constraints. As such, the proposal is finely balanced.
38. *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. It is advised that the benefits of screening the proposed development will need to be balanced against the impact of enclosing an open and distinctive landscape. Screening of this prominent site will take time to establish, and until this has become effective, residential development will remain very prominent having some adverse landscape and visual effects.
39. *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.
40. *Sustainability Officer* – No response received to this application but previously advised that the proposal is not considered sustainable development 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.

41. *Arboricultural Officer* – Advise that any reserved matters application should be supported by an Arboricultural Impact Assessment, while concerns are raised regarding the likely loss of hedgerow.
42. *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.
43. *Housing Development and Delivery Section* – Outline that an affordable requirement of 10% would be expected on this site at a mix of 75% affordable rent and 25% affordable home ownership.
44. *Schools Organisation Manager* – Advises that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development.
45. *Ecology Section* – Raise no objections to the proposals, advising that the risk of protected or priority species being present is low subject to the proposed mitigation and enhancement measures.
46. *Public Rights of Way Officer* – Identifies that a Public Right of Way crosses the site which should be accommodated within the development.
47. *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.
48. *Contaminated Land Section* – Given the undeveloped nature of the site states that a condition in relation to contaminated land should be attached to any approval.
49. *Drainage Section* – Highlight that detailed information regarding surface water utilising soakaways in accordance with a surface water management plan should be provided at the detailed stage limiting runoff rate to that of a greenfield site.

#### **PUBLIC RESPONSES:**

50. The application has been publicised by way of press and site notices, and individual letters to neighbouring residents.
51. 21 Letters of objection have been received from neighbouring residents. The points raised are summarised below:-
  - This resubmitted scheme does not address the reasons for refusal on the previous application, other proposals for housing in the village have also been refused, this application does not represent an improvement over alternative sites.
  - Development would create an oversupply of housing in the immediate area where there is a lack of demand, The County Durham Plan does not propose any housing in this area, investment should be focuses at bringing jobs into the area.

- Adverse impact on residential amenity of Broadway Avenue in terms of overlooking, privacy, light, outlook and noise and disturbance caused by the development.
- Adverse visual impact of development on distinctiveness of local landscape and development of the countryside. The development would represent urban sprawl. The area is designated Green Belt.
- 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 and traffic on the local road network.
- 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.
- Concerns regarding the potential for the numbers of dwellings on the site to increase.
- Loss of view and devaluation of properties.
- Concerns regarding the capacity of the existing water network and low pressure experienced in the area. Concerns are also raised regarding the location of underground streams and potential land movement.
- Impact on potential ecological value of the site

52. 4 letters offering support for the application in relation to the following issues have been submitted :-

- The potential benefits of the scheme are highlighted including £20,000 for the Parish Council and a contribution towards sporting facilities.
- The housing will meet housing demand and an increase in population will benefit local shops, existing businesses and the local economy in general.
- Full ecology surveys have been completed and the development will not impact on any ecological interest
- There would be a slight increase in road traffic but there are measures which can be put in place to maintain a safe road.
- It is appreciated that residents of Broadway would lose their view, however the site is a natural extension to the village.
- If housing does not go ahead the applicant would be forced to sell the plots as small holdings

53. Cllr Brookes a local member for the area offers support for the application, stating that housing development is needed in Trimdon and that the application has been altered to take into account previous objections and concerns. The potential contribution of £20,000 to the Parish Council for a facilities and services would also be benefits of the scheme.

#### **APPLICANTS STATEMENT:**

54. It is clear that the local plan process for Durham County has been set back somewhat. However, the development control process cannot stand still



whilst the local plan process tries again to come up with a possible solution – which will take 2 years minimum.

55. Housing demand is still evident. The housing land completion rates for the County, which all fall below the absolute minimum for every one of the last five years demonstrate that Durham County's supply is well below average and at the whims of the large house-builders.
56. So, despite any 5-year housing land supply figures - new sites still need to be found. Modest small/medium scale ones right on the edge of a settlement are eminently suitable to help raise the below-average build rates which are constraining supply.
57. The applicant and development team have gone to huge expense to elaborate on the intentions for this site in this re-submission application, far beyond what is statutorily required for an outline application - and all matters will be reserved so that the Council will retain control of all aspects of this scheme. These detailed layouts and survey documentation demonstrates the commitment this local developer has to the site, and to the settlement and the County. These revised proposals add a lot more colour and detail in order to demonstrate that this medium-sized site is sustainable, is in a good location and its development will bring a net benefit to the settlement and the County, despite what the relatively limited amount of objection response might claim or its green-field status.
58. It is noted this scheme is supported by the local Parish Council and also by many residents, who understand that more dwellings will help maintain the economic function of this settlement and the County.

*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=NPBABLGD0A000>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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59. 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

60. 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.

61. 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.
62. It is however recognised that the application of settlement boundaries is not entirely consistent with the NPPF, as clarified on recent appeal decisions. In addition to this recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. It is advised that where policies for the supply of housing are based on housing figures of some age, which did not represent an objectively assessed need, they are "out of date" irrespective of the Council's position on 5 year supply. In relation to this application policies for supply of housing which contain settlement boundaries, including Local Plan Policy H8, were based upon housing supply figures derived from the former County Structure Plan which considered housing need up to 2006. Therefore, policy H8 does not reflect an up to date objective assessment of need and is considered "out of date", for the purposes of Paragraph 14 of the NPPF and no weight can be afforded to this element of the policy.
63. When determining planning applications, all material considerations need to be taken into account, including the NPPF. 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, whilst Paragraph 17 identifies 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise 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. The key matter in applying the NPPF relates to directing development to sustainable locations.
64. 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. The Council's Spatial Policy Team has confirmed that the Council can demonstrate an adequate supply. Consequently, its housing policies are considered to be up to date in this regard. 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.
65. In this regard, Trimdon is identified as a Local Service Centre as it has a range local services and facilities, further housing developments which are sustainable in all respects may therefore be permissible. The provision of an

additional 30 dwellings in a village of 1406 represents a small scale of development that would be commensurate with the role of Trimdon in the settlement hierarchy and would help to support the vitality and viability of local services in Trimdon, which also supports the wider rural area.

66. While recognising that Trimdon is capable of accommodating additional small scale housing development, the previous application was refused as it was considered that the development would be read as an encroachment in the open countryside and would have an adverse visual impact. Concerns were also raised regarding the accessibility of the site, being located on the edge of the settlement when the plan led approach of the CDP proposed housing allocations in larger settlements in more sustainable locations.
67. This resubmitted scheme attempts to address the reason for refusal regarding the visual impact of the development and this is appraised in full below. However since the refusal of the previous application, the CDP is now at a significantly less advanced stage and is in the process of being withdrawn for examination. Therefore in line with paragraph 216 of the NPPF the policies of the CDP can no longer carry any weight. This means that at present the Council does not have a development plan that address the future housing needs of the county. Whilst at present a 5 year land supply can be demonstrated suitable sites will need to be brought forward to maintain this position.
68. In terms of accessibility, 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. It has been previously highlighted that 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 (500m), including secondary schools, GPs and shops. It is therefore anticipated that development in this location would entail a 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. It is however recognised that a large proportion of the village lies at a similar distance and beyond from these services and on balance in the context of the settlement the site would have an acceptable degree of accessibility.
69. In line with the Councils 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 also submitted a viability assessment demonstrating that the development would be deliverable offering an appropriate level of return for a willing developer and a small uplift in land value for the site owner while still providing relevant planning obligations, including affordable housing.
70. 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. 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. 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. Careful consideration therefore needs to be given to this matter in order for the development to represent sustainable development when assessed against all elements of the NPPF and to be considered acceptable in principle

## Visual Impact

71. 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 any development has the potential to be prominent within the Local Landscape. Although 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 previous application was refused as it was considered that the development would represent an encroachment into the open countryside and would have a negative impact.
72. In an attempt to address this, the applicant has produced a Mitigation and Enhancements Strategy indicating that a substantial landscape buffer measuring between 25-30m would be provided to the southern, western and eastern boundaries of the site. As advised by the Council's Landscape Section, the introduction of this landscape buffer, once mature would likely mitigate the impact of the proposed development. The landscape buffer to the south and west would also have the effect of screening the existing development of Broadway Avenue which is also prominent in the landscape due to the openness of the surrounding countryside and topography of the site.
73. However it is advised that this needs to be balanced against the impact of enclosing a significant piece of land within an open and distinctive landscape. It is also suggested that a period of 10 years would be necessary to allow the landscaping buffer to mature to a level that would offer significant screening to the development, while in the meantime there would be an adverse visual impact. 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.
74. In considering the competing issues and having regard to the revisions that have been made, it is considered that although the development and mitigation planting would enclose a sizable portion of land, this is relatively modest in the wider landscape and that the screening afforded would be a benefit that would progressively and successfully integrate the development into the landscape and screen the existing housing. The landscaped area and open space to be provided would also increase public access and accessibility and on balance would not be read as a significant unacceptable encroachment into the open countryside.

75. Concerns are 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, in line with the previous application, it is considered that there would not be any adverse impact on the character or setting of the conservation area.

#### Infrastructure

76. 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. Although the Local Education Authority has previously highlighted that Trimdon Infant School will be at capacity in 2017 this has since been recalculated. The Council's Schools Organisation Manager now advises that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would now not need to be mitigated in this respect.
77. The applicant has offered a contribution of £20,000 to the Parish Council for the continued provision of facilities and services through a S106 agreement. However the NPPF advises that, planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development. On this basis there is no policy requirement or justification to contribute £20,000 to the Parish Council and therefore no weight should be given to this contribution.

#### Highway Safety

78. 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.
79. Although this matter is reserved for subsequent approval 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 the development to Broadway Avenue to the north and a bus stop 100m to the south of the access and a link to Main Road would be required. A number of mature trees are located in close proximity of the indicated access and required footpath link, but it is considered likely that these could be retained or compensated for. The Council's Arboricultural

Officer advises that any reserved matters application should be accompanied by an Arboricultural Assessment.

80. 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.
81. 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

82. 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, the lowest category of flood risk.
83. In relation to surface water, no information has been submitted in relation to how this 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 and to ensure that surface water is effectively managed. No FRA has been submitted in support of the application. 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.
84. In this respect it is indicated that SUDS ponds would be implemented within the proposed landscaping and mitigation planting, subject to further feasibility work while storm water attenuation measures could also be incorporated into the scheme to limit discharge rate into the drainage system. It is considered on balance that these steps would provide the ability to manage and control discharge rates from the site and that the development would be unlikely to impact on flooding downstream. It is therefore considered that this matter could be controlled in more detail by condition, in conjunction with a detailed layout of the development.
85. 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

86. 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.

87. 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.
88. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of play space and amenity space should be provided. This would equate to 1800sqm across the scheme. The indicative site layout does not make any play space provision, however an off site contribution is proposed. This approach has been adopted to other schemes across the county and in this instance a contribution of £1000 per dwelling (£30,00) would be secured through a S106 agreement.

#### Ecology

89. 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.
90. 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

91. 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.
92. 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.
93. 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.

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## CONCLUSION

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94. The proposed development is a resubmitted and revised scheme that seeks to overcome previous identified concerns. The scheme has been assessed against relevant policy documents and other material considerations and it is concluded on balance that while the development would have some adverse visual impacts, these would be softened by the proposed landscaping buffer which would provide effective mitigation screening when matured would integrate the development within its surroundings so that it would not be read as an unacceptable encroachment into the open countryside.
95. The scheme would make a contribution to housing supply, and would provide affordable housing while the scale of the development would be commensurate with the role Trimdon plays within the settlement hierarchy of County Durham.
96. A section 106 legal agreement would secure the provision of 10% affordable housing across the development, equating to three units along with the proposed landscaping buffer and an offsite sporting and recreation contribution of £1000 per dwelling.
97. The proposed site access is considered acceptable in principle and subject to detailed design would not give rise to conditions which compromise highway safety. Although indicative at this stage it is also considered that the layout could be designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties.
98. The objections received have been taken into account in the consideration of this application, however they are not considered sufficient to warrant refusal of the planning application in this instance when assessed against relevant planning policies and all other material considerations.

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## RECOMMENDATION

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That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure the provision of 3 affordable housing units and off site sporting and recreation contribution of £1000 per dwelling, the provision of a landscaping buffer to the south and west of the site and the following conditions:-

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

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



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

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

3. Prior to the submission of any Reserved Matters a written scheme of archaeological investigation and a timetable for any investigation shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide for:
  - i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application site
  - ii) An assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
  - iii) Proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, with a presumption in favour of their preservation in situ wherever feasible;
  - iv) Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
  - v) Notification in writing to the Local Planning Authority commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in accordance with the approved details.

Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

*Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.*

4. Notwithstanding the submitted information, provision shall be made for the installation of a 1.8m wide pedestrian footway adjacent to the B1278 extending to Broadway Avenue, to the north bound bus stop to the south of the development site and linking to main road, in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the agreed scheme is implemented and brought into use.

*Reason:- In the interests of pedestrian safety and accessibility to the site in accordance with policy D1 and D3 of the Sedgfield Borough Local Plan.*

5. No development shall commence until sections setting out existing and proposed site levels including those within the proposed landscape buffer have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved information.

*Reason: In the interests of the visual amenity of the area and to comply with polices D1 and D5 of the Sedgefield Borough Local Plan.*

6. No development approved by this permission other than demolition, preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the restriction of surface water discharge rates from the development to greenfield run off rates and incorporate sustainable drainage systems where appropriate, in accordance with a site specific Flood Risk Assessment. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of surface water and to minimise flood risk in accordance with Policy D1 Sedgefield Borough Local Plan and Part 11 of the NPPF.*

7. All planting, seeding or turfing comprised in the approved 'Reserved Matters' of landscaping shall be carried out no later than the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with polices D1 and D5 of the Sedgefield Borough Local Plan.*

8. No dwelling hereby approved shall be occupied until details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgefield Borough Local Plan.*

9. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies D1 and D5 of the Sedgefield Borough Local Plan and part 10 of the National Planning Policy Framework.*

10. No development shall be carried out unless in accordance with the mitigation and detailed within the Extended Phase 1 Survey compiled by DWS Ecology Consultants, Dated March 2014 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

*Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.*

11. No development shall commence until an Arboricultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), location of service runs and details and the constriction of areas of hard standing and structures within root protection zones . The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E15, D1 and D5 of the Sedgefield Borough Local Plan.*

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

#### **Pre-Commencement**

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

#### **Completion**

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

County Durham Plan (submission version)

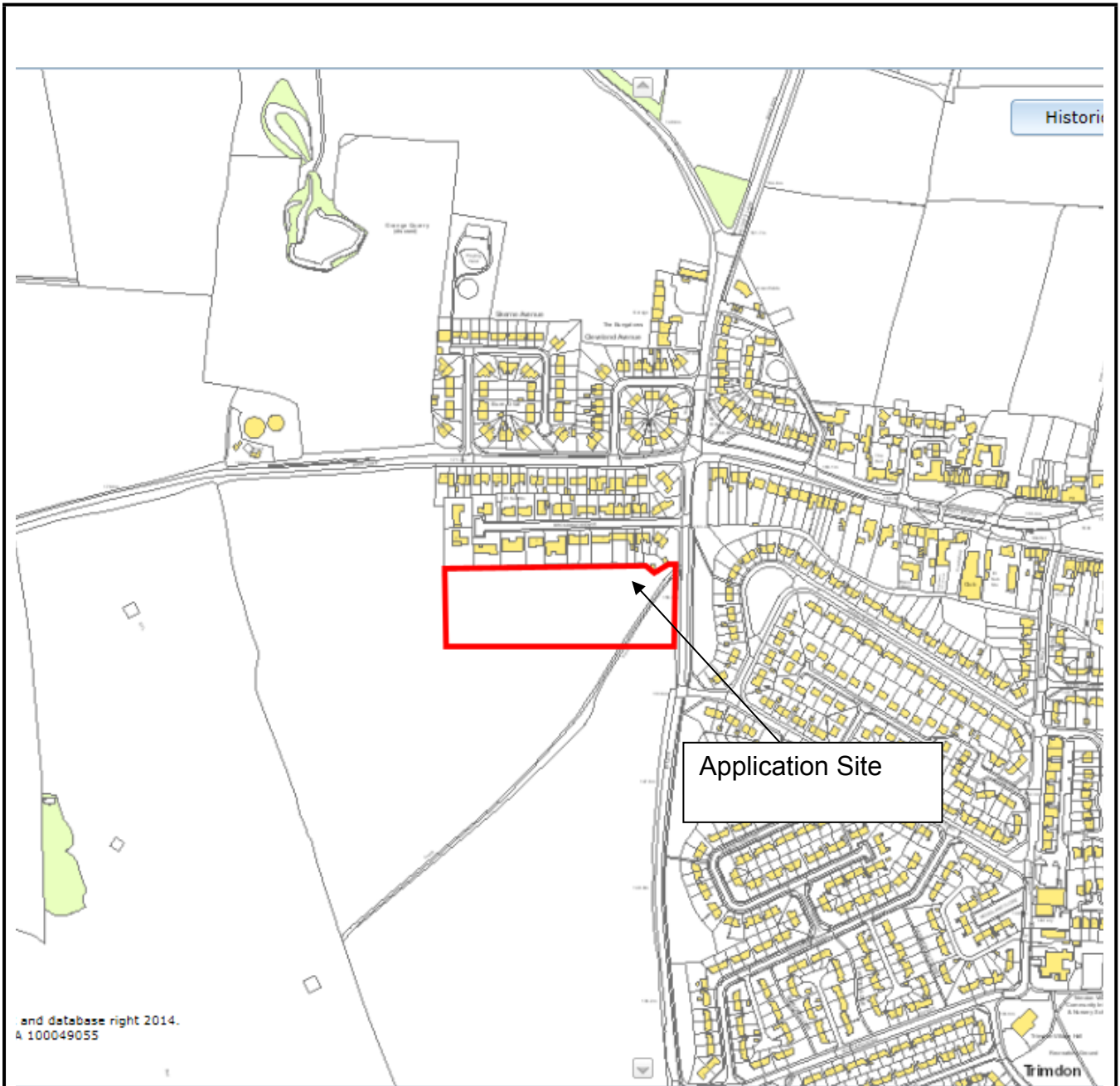
Affordable Housing & CIL Development Viability Study

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

Planning application file DM/14/00678/OUT



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**Planning Services**

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Erection of up to 30 dwellings (all matters reserved)

**Comments**

**Date** October 2015

**Scale** 1:2500