

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** DM/16/01522/OUT

**FULL APPLICATION DESCRIPTION:** Outline application (all matters reserved except partial means of access, to, but not within the site) for the erection of up to 125 dwellings, associated landscaping and parking, plus demolition of existing buildings

**NAME OF APPLICANT:** Stella Property Investments

**ADDRESS:** Land At The Former Sedgefield Community Hospital  
Salters Lane  
Sedgefield  
County Durham

**ELECTORAL DIVISION:** Sedgefield

**CASE OFFICER:** Colin Harding, Senior Planning Officer  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site lies approximately 2.4km to the north of the centre of Sedgefield, and approximately 0.8km to the south of Fishburn and extends to 5.22ha gently falls from north to south by approximately 4m.
2. The land is principally comprised of concrete hardstandings, themselves the remnants of the former Sedgefield Community Hospital, which relocated in 2003. The north-west quadrant of the site however comprises grassland, and also hosts a derelict building known as "Farm Villa". There are few groups of trees within the site, notably at the northern boundary, and north eastern corner, with a further row on the western boundary, and individual trees in the southern part of the site.
3. The site is bounded to the east by the B1278 (Salter's Lane), to the north by Lizard's Lane which provides access to Lizard's Farm, and to the south and west, agricultural land, beyond which, to the South lies NETPark and the former Winterton Hospital Site.
4. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although a section of road verge adjacent to the A177 approximately to the west of the site, is designated as a Local Wildlife Site. No recorded public rights of way are contained within the application

site. The application site contains no watercourses, though the River Skerne is within approximately 200m of the northern and eastern boundaries of the site, with site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is The Church of St Luke, a Grade II listed building located approximately 640m to the south west. Beyond this, and also to the south west of the site lies Hardwick Park Conservation Area, and Sedgefield Conservation Area, located 1.2km, and 2km away, respectively.

5. The site is allocated within Policy L15 of the Sedgefield Borough Local Plan for use as a Community Hospital, Residential Institution or Open Space.

#### The Proposal

6. The application seeks a residential development of 125 dwellings, with all matters other than partial means of access reserved for later consideration. A density of around 30 dwellings per hectare is envisaged, as is a range of dwellings between 1 and 5 bedrooms, and in a mix of terraced, semi-detached and detached configurations.
7. Access to the site is proposed from the B1278, and an indicative masterplan suggests entry to the development passing through open green space and an area of Sustainable Urban Drainage (SUDS), with the Design and Access Statement suggesting that the wider development could take the form of character areas.
8. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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9. The site has previously benefitted from planning permission to erect a 64 bed secure healthcare facility (7/2007/0162/DM) approved in June 2007, which was later amended to allow use as both a medium and low security residential healthcare facility (7/2009/0034/DM) approved in April 2009. However, these permissions were never implemented, with an application to extend the time limit for implementation (7/2010/0099/DM) being withdrawn prior to determination.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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’.
11. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy 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. The following elements of the NPPF are considered relevant to this proposal.

12. *NPPF 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 of a low carbon future.
13. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF 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.
15. *NPPF 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
17. *NPPF Part 10 – 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.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF 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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

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

<http://planningguidance.planningportal.gov.uk/>

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

The Sedgefield Borough Local Plan (1996) (SBLP)

21. *Policy E1 – Maintenance of Landscape Character.* 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.
22. *Policy E15 – Safeguarding of 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.
23. *Policy H8 – Residential Frameworks for Larger Villages –* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
24. *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.
25. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
26. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
27. *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.

28. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside.* Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
29. *Policy L15 – Winterton Estate.* Requires development proposals on the Sedgefield Community Hospital Site to form part of a comprehensive planning scheme that conserves the setting of the Winterton Hospital Site, retains buildings and site feature of importance, includes business uses as a significant part of any mixed use development, and maintains the open land between the Winterton Hospital Site, and the Sedgefield Community Hospital Site. Specifically, the Sedgefield Community Hospital Sites is identified as being suitable for use a Community Hospital, Residential Institutions and Open Land Uses.
30. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
31. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
32. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
33. *Policy D5 – Layout of New 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.
34. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
35. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

36. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High

Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

#### The Sedgefield Neighbourhood Plan

37. In September 2013 Sedgefield Town Council was granted approval for the designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan (NP) has been submitted to the County Council and the submission consultation was completed on 29th March 2016.
38. The Examination Report has now been delivered and it recommends deleting some of the policies in the plan, including the settlement boundary policy (Built up Area Boundary, "BUAB") and references to a housing number ceiling of 300 units and no weight can now be given to this intended policy.
39. The policies that have been identified as having the potential to remain in the Plan, subject to modifications, include:
  - Policy 3 – Aged Person Housing
  - Policy 4 – Design and Style of Housing
  - Policy 5 – Cycling and Walking Access
  - Policy 7 – Recreational Facilities
40. The exact nature of the modifications are included in the Examination report, however it is noted that they need to be agreed by the County Council and cannot therefore be regarded as finalised, while it is also noted that there has been no referendum on the redrafted Plan.
41. The NPPF advises that the amount of weight that can be attributed to the Neighbourhood Plan is dependent upon the stage of preparation and the extent to which there are unresolved objections to relevant policies, as well as the degree of consistency with the framework itself.
42. On balance while there remains work to do to refine the above policies that may remain in the NP, given its stage of development it is considered that weight may be attributed to these elements of the NP.

*The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at:*

<http://www.durham.gov.uk/ldf> (Sedgefield Borough Local Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

43. *Sedgefield Town Council* – No objections to the application. The principle of development on this brownfield site is supported, however there is concern that a lack of specific detail with regards to arrangements for access/egress, parking/garaging arrangements, affordable housing, housing mix, and design will lead to the application failing.

44. *Highway Authority* – No objections are raised, subject to the provision of a pedestrian refuge island on the B1278, the provision of a 2.4 x 120m junction visibility splay, and the implementation of a Residential Travel Plan.
45. *Northumbrian Water* – No objections are raised, but it is noted that Sedgefield Sewerage Treatment Works is nearing capacity and has a 300 dwelling/unit headroom. The Local Authority must coordinate the decision making process so as to ensure that the 300 dwelling/unit headroom is not exceeded.
46. *Drainage and Coastal Protection* – Raise no objections. It has been established that the site is not suitable for deep infiltration techniques and a surface SuDS system would be required, and that a connection to the surface water sewer at a rate of 18.4l/s is acceptable. It is agreed that the Council would adopt and maintain a SuDS structure in accordance with the Council SuDS Adoption Guide 2016.

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

47. *Spatial Policy* – Officers note that benefits in the form of delivery of housing and the reuse of previously developed land (PDL) (provided that it is not of high environmental value) would accrue from the proposed development. However, weighing against the scheme is the location. It is categorised as unsuitable (red) in the 2013 SHLAA on account it is considered to be detached from a recognised settlement and located within the open countryside. In this respect, it is questionable whether development of housing on this site would help achieve the delivery of sustainable mixed communities despite affordable housing being included, as the site is not that well related to either Sedgefield village or Fishburn village. The comments of Sustainability colleagues can clarify this matter and the suitability and accessibility of the location for development.
48. If the site was not PDL, officers would not look favourably on the development of a greenfield site which is effectively located within the open countryside. In assessing the planning balance in relation to NPPF Paragraph 14, the second limb can apply in the context of resisting isolated housing development which brings SBLP Policy H8 into consideration. Although this Policy has reduced weight, due to the lack of a 5 year housing land supply, it retains some weight as it identifies the area as being in countryside and to a degree isolated. SBLP Policy L15 identifies the option of a residential institution use on the site, but this 20 year old policy predates then NPPF and the resistance of isolated development.
49. The balance to be assessed is the opportunity to contribute to housing supply and the bringing back of a PDL site into use, balanced against the location of the site in relation to NPPF's resistance to isolated housing developments and the potential to increase the use of the private car due to its location.
50. *Landscape* – Object, noting that the proposals would have significant landscape and visual effects. Although the landscape is attractive, unremarkable, the proposed development would change the landscape character from an abandoned semi-rural site, to an urban landscape that sits within the open countryside.
51. *Landscape (Arboriculture)* – No objections, however concerns are raised with regards to the loss of the hedge at the frontage of the site with the B1278, and the potential for retained trees within the site to have relationships with proposed dwellings that would lead to conflict, and pressure to remove them.
52. *Design and Conservation* – No objections are raised. The site contains no designated or known non-designated heritage assets; however there are a number

of detailed design issues relating to the indicative layout that would need to be revisited prior to the submission of reserved matters.

53. *School Organisation Manager* – No objections are raised. The development is likely to produce 38 primary and 15 secondary school pupils. As of September 2017 there will be no capacity at Sedgefield Community College, but 53 spare primary school places. Consequently a contribution of £238,800 would be required to provide additional capacity for secondary school pupils.
54. *Employability* – Request that targeted recruitment and training clauses are included within a S106 legal agreement in the event of approval.
55. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted geo-environmental appraisal identifies that contamination is present, and a suitable means of remediation identified. A planning condition is suggested requiring a Phase 4 Verification Report on completion of remediation.
56. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. A planning condition is suggested to secure a noise survey in order to establish the existing noise climate before any layout is finalised, and to secure adherence with noise limits. Planning conditions relating to working hours, site operation and asbestos remediation are also suggested.
57. *Ecology* – Raise no objections. A judgement as to the likelihood of significant effects to occur upon European sites has been undertaken and it is concluded that such significant effects are unlikely to occur. Some concerns are raised with regards to the level of biodiversity enhancements that the proposed development would deliver.
58. *Sustainability* – Objections are raised. Accessibility to services, facilities and main towns from this location is an issue, and the development would be relatively isolated. It is extremely likely that a majority of journeys made to and from the site will be by private car. Further details with regards to how the scheme embeds sustainability and minimises carbon from construction and operational emissions are requested, but can be secured by means of a planning condition.
59. *Archaeology* – Raise no objections, considering that the site has very low archaeological potential.
60. *Natural England* – Submitted no comments within their formal consultation response.
61. *Housing Delivery* – Raise no objections. The 10% affordable housing requirement is proposed by the applicant. A tenure mix of 75% affordable rent and 25% affordable home ownership is advised.
62. *Access and Public Rights of Way* – Raise no objections. No public rights of way are within or abut the site. The closest public right of way would remain unaffected by this proposal.

#### **PUBLIC RESPONSES:**

63. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 7 letters of objection, 2 letters offering neutral comments, and 26 letters of support have been received. The matters raised are summarised below.

Objection

- Services within Sedgefield and Fishburn are already stretched and this would only be exacerbated by more housing;
- The proposal comprises a large scale development in an isolated rural location with poor access to services, particularly for the young and elderly, who are less likely to have access to a car;
- Parking and traffic problems within Sedgefield and Fishburn will be increased due to the fact that services would not be within walking distance;
- Excessive development in Sedgefield will saturate the market, and devalue properties;
- The site was identified as being unsuitable for housing development with the County Durham Strategic Housing Land Availability Assessment, and would be better utilised as part of NETPark;
- There would be an adverse impact on highway safety due to the location of the access close to the brow of a hill;
- The proposal is contrary to some provisions of the Sedgefield Town Plan;
- The ability of a site at Salters Lane Industrial Estate to come forward for alternative uses would be compromised as a result of this development;
- The site would increase the risk of coalescence of Sedgefield and Fishburn, and could lead to ribbon development;
- The site is not needed to meet housing need in Sedgefield.

#### Neutral

- Not in favour of any additional housing in Sedgefield, however it is acknowledged that if any proposal is to be approved, then it should be this one, as it involves the redevelopment of a brownfield site;
- The redevelopment of a brownfield site is welcomed, however this site is isolated, and will encourage car use, as well as being a potential catalyst for ribbon development.

#### Support

- This site meets the requirements of the Sedgefield Town Plan, which includes it within the Built Up Area;
- The redevelopment of this site would remove the need to locate housing on greenfield sites;
- This proposal would lead to the welcome redevelopment of a longstanding brownfield site;
- Housing development on this site, would be the least likely of all recent housing proposals to result in damage to the town;
- The site is conveniently located for access to NETPark;
- The proposal represents a common sense use of a derelict site which is an eyesore;
- The proposed layout is appropriate, the houses would not be crowded, and the layout incorporates good pathways and cycle connections;
- The development of this site would protect green agricultural land elsewhere in Sedgefield;
- This site is the first choice for new housing development for many residents;
- 125 dwellings is an appropriate number for this site, and the site displays attributes all development sites should.

64. *Durham Constabulary* – No objections.

## APPLICANTS STATEMENT:

65. No statement has been submitted.

*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/search.do?action=simple&searchType=Application>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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66. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development, locational sustainability of the site, character, landscape and visual impact, affordable housing, residential amenity; highway issues, flood risk and drainage, ecology, heritage impacts and other matters.

### The Principle of the Development

67. Planning permission has previously been granted at the application site for a 64 bed secure healthcare facility, later amended to allow use as both a medium and low security residential healthcare facility. The applications were considered in 2007 and 2009 respectively having regard to development plan policies and Government guidance in place at that time. Given the differences between the purpose and nature of the previously proposed healthcare facilities and a residential development of up to 125 houses, it is not considered that because a healthcare use was considered acceptable that a housing site would also be.

### The Development Plan

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

69. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

### The NPPF

70. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);

- approving development proposals that accord with the development plan

without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - ii) specific policies in this Framework indicate development should be restricted.

71. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
72. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date as outlined below.

#### *Five Year Housing Land Supply*

73. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
74. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
  - 1,533 houses per year (29,127 houses by 2033)
  - 1,629 houses per year (30,951 houses by 2033)
  - 1,717 houses per year (32,623 houses by 2033)
75. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
76. Whilst none of the three scenarios within the Issues and Options been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which will be identified as the OAN following consultation in the Preferred Option

Stage Local Plan, the Council has a robust supply of housing which even in the most exacting scenario is not significantly short of 5 years.

77. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the local plan may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.
78. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result.
79. The recent Court of Appeal judgment in *Richborough Estates v Cheshire East Council* emphasises that policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.

#### *Assessment having regards to Development Plan Policies*

80. SBLP Policy H8 is considered largely consistent with the NPPF as it seeks to direct housing to the most sustainable settlements that can support it while seeking to protect the open countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection, and it is considered that moderate weight can be afforded to this Policy in accordance with Paragraph 215 of the NPPF.
81. SBLP Policy H8 identifies the residential framework within which housing development would normally be approved, ostensibly to “balance the need for new housing whilst maintaining the character of the countryside”. The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to house proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it is considered that SBLP Policy H8 is not applicable in this instance, and no support for the proposed development is drawn from it.
82. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
83. SBLP Policy L15 sets out the overall development aspirations for the former Winterton Hospital and Sedgefield Community Hospital sites. The Policy identifies a range of uses for the Winterton Hospital site which include business and housing uses, which have since been delivered in the form of the Winterton Park housing development, and the successful North East Technology Park (NETPark). With regards to the Community Hospital site, it identifies Community Hospital, Residential Institutions and Open Land Uses as being appropriate. The permitted uses reflected the sites established use at that time in terms of it being acceptable for redevelopment as a community hospital or residential institution, and failing the

provision of such facilities that it's only other appropriate use was for open land uses. This is considered to be reflective of the location of the site and its divorced nature from either Sedgfield or Fishburn.

84. SBLP Policy L15 can be considered to be a policy for the supply of housing given that it identifies housing as forming part of a mix of uses on the Winterton Hospital site. The Policy is therefore considered to be out of date for the purposes of Paragraph 14 of the NPPF, and as a result, the weight to be given to the Policy is diminished.
85. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
86. Policies for the supply of housing within the SBLP are out-of-date, and are either not relevant to this proposal, or are not fully NPPF compliant, however, this does not mean that they should be disregarded or be given no weight, albeit the weight that can be afforded to them is reduced. As a result the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### Locational Sustainability of the Site

87. The County Durham Settlement Study is an evidence based document which categorises Sedgfield as a "Smaller Town/Large Village", and Fishburn as a "Local Service Centre". These settlements are considered to be localised centres which are generally self-sustaining with key facilities. It is considered likely therefore, that residential development in these settlements would be largely locationally sustainable, subject to specific site constraints.
88. However, the application site lies within neither settlement, and is located approximately equidistance between the two, and therefore the accessibility to services in both settlements is reduced.
89. Paragraph 17 of the NPPF outlines the 12 core land-use planning principles that should underpin decision-making. Among these principles it is identified that, amongst other things that planning should;
  - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
  - contribute to conserving and enhancing the natural environment and reducing pollution;
  - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;

90. Additionally, Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Such circumstances are identified as being;
- An essential need for a rural worker to live permanently at, or near, their place of work; or
  - Where such development would represent the optimal viable use of a heritage asset, or would be appropriate enabling development to secure the future of heritage assets; or
  - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - The exceptional quality or innovative nature of the design of the dwelling.
91. SBLP Policy D3 states that developments should provide for all modes of access, including safe and convenient pedestrian and cycle routes. This policy is considered to be NPPF consistent, and full weight can still be afforded to it.
92. With regards to locational sustainability, and having regards to NPPF, the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by both foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic.
93. The Institution of Highways and Transportation (CIHT), in their document “Providing for Journeys” suggest the following walking distances to services:

	<i>Town centre</i>	<i>Commuting/ School/ Sightseeing</i>	<i>Elsewhere</i>
<i>Desirable</i>	<i>200m</i>	<i>500m</i>	<i>400m</i>
<i>Acceptable</i>	<i>400m</i>	<i>1000m</i>	<i>800m</i>
<i>Preferred Maximum</i>	<i>800m</i>	<i>2000m</i>	<i>1200m</i>

94. The performance of the site against these standards can be summarised thus;

<i>Service</i>	<i>Distance</i>	<i>Classification</i>
<i>Primary School: Fishburn</i>	<i>1,500m</i>	<i>Beyond acceptable but within preferred maximum</i>
<i>Secondary School: Sedgfield Community College</i>	<i>2,600m</i>	<i>Beyond Preferred Maximum</i>
<i>College/HE: Durham, Stockton or Peterlee</i>	<i>16,000m</i>	<i>Beyond Preferred Maximum</i>
<i>Larger Retail Facilities: Sainsbury's Sedgfield</i>	<i>1,700m</i>	<i>Beyond Preferred Maximum</i>
<i>Local Shop/Post Office: Fishburn</i>	<i>1,400m</i>	<i>Beyond acceptable but within preferred maximum</i>
<i>GP: Fishburn</i>	<i>1,300m</i>	<i>Beyond acceptable but within preferred maximum</i>
<i>Leisure/Community Centre: Fishburn</i>	<i>1,400m</i>	<i>Beyond acceptable but within preferred maximum</i>

<i>Community Centre</i>		
<i>Public Open Space: NETPark</i>	<i>850m</i>	<i>Beyond Preferred Maximum</i>
<i>Main Town Centre: Newton Aycliffe</i>	<i>14,500m</i>	<i>Beyond Preferred Maximum</i>
<i>Retail Park: Dragonville, Durham</i>	<i>17,700m</i>	<i>Beyond Preferred Maximum</i>
<i>Industrial Estate/Science Park: NETPark</i>	<i>850m</i>	<i>Acceptable</i>

95. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. An example, being access to a local GP, which at 1.3km, is 500m above the acceptable level and 100m beyond the preferred maximum walking distance for a person without any mobility impairment. In addition, Sedgefield Community College is 600m above the preferred maximum walking distance. It is noted that the site only achieves an acceptable walking distance in only one category 'Industrial Estates', which is due to the site's proximity to NETPark. Further, it should be noted that at recent appeal decision at Leamside, that an Inspector found that walking distances of between 800 – 1200 metres would generally discourage walking, particularly for the elderly or small children, particularly relevant in this case of small children given the distance to schools. Further, the footpath adjacent to Salters Lane varies in its width, and the routes to both Fishburn and Sedgefield are of an undulating nature, making the route less attractive for regular pedestrian use, than it perhaps would otherwise be in an urban setting. Overall therefore, it is considered that the site performs poorly in terms of access to services for pedestrians. Having regard to SBLP Policy L9 it is acknowledged that a new 3m wide footway/cycleway is proposed along the frontage of the proposed development with pedestrian connections along the northern boundary north of Lizards Lane and onto Salters Lane. Even if secured their provision does not address concerns identified.
96. In terms of cycle access, the site does perform better, with services in Fishburn lying within a 5 minute cycle ride, and Sedgefield accessible within 5 – 15 minutes, although these times are based upon a cycling speed of 16km/h, which is a speed achievable by a regular "fast commuter", but not necessarily the more casual cyclist, suggesting that for some demographics of potential residents, such journeys may well be longer. There is also a dedicated cycle route through NETPark, towards Sedgefield Town Centre, which accords with SBLP Policy T1, which seeks to ensure safe, attractive and convenient footpath and cycleways are provided. Whilst it is apparent therefore that access to some services from site by means of bicycle is feasible, some services would remain beyond 8km, or 30 minutes cycling distance, notably access to Higher Education, wider retail opportunities, and main town centres.
97. Bus stops are located on Salters Lane, with a southbound stop located opposite to the entrance to the site, and a northbound stop located 100m further to the south, and these are considered to be within an acceptable walking distance. The stops are served by a number of services, namely the 21, 21A, 113 (erroneously referred to as the 33 in the submitted Transport Assessment), 239 and 952.
98. Of these services, the 21, 21A and 113 offer hourly services throughout the day, until early evening on Monday – Saturday, with only the 21 providing an hourly service on

a Sunday. The 239 operates hourly during the evening from 19:00 until 23:15, whilst the 952 provides a twice daily service to Trimdon Colliery, at approximately midday and 17:00, and a once daily service to Newton Aycliffe at around 07:00.

99. It is accepted that between them, that these services provide access to most services, and that a journey to Sedgefield would take approximately 6 minutes, Fishburn 4 minutes, Darlington 40 minutes, and Middlesbrough in around 1 hour. However, the applicant's claim that the bus provision effectively equates to a bus every 15 minutes is not considered to be reasonable. At best there would be 3 buses per hour for most of the day, then reducing to 1 bus per hour after 18:10. On a Sunday there would be 1 bus per hour, only between the hours of 09:11 – 17:11. It is also noted that during the day, that the timings of bus services effectively mean that at present buses serve the site at approximately 35, 49 and 05 minutes past the hour. Whilst this is a 3 bus an hour service, the timings are such that it is rather a 3 buses in 30 minutes, and then none for a further 30 minutes.
100. Overall it is considered, that locationally, the site does not form part of either Sedgefield, or Fishburn, and is not visually related to either, with the site lying at a low point between the two settlements, and is considered to be in an open countryside location. As has been set out above, it is considered that the site has only limited access to some services by means of transport other than by car, and that those alternative means are not suitable for all. In particular, walking distances are towards the upper limit of may be reasonably expected. The proposal is not supported by Sustainability officers.
101. In such circumstances, it is considered that the location of the development would not meet the social role expected from a sustainable development; that it should support strong, vibrant and healthy communities, by providing housing that has accessible local services, reflecting the community's needs, as set out in Paragraph 6 of the NPPF, as well as meeting the aims of Paragraph 30 of the NPPF which states that patterns of development should facilitate the use of sustainable modes of travel, NPPF Paragraph 34, which states that developments that generate significant movement are located where the need to travel will be minimised, and that sustainable transport modes can be maximised, and Paragraph 35 of the NPPF, which states that development should be located to give priority to pedestrian and cycle movements, have access to high quality public transport, and consider the needs of people with disabilities and the elderly.
102. Additionally, the proposed development, as a result of its location would fail to provide convenient pedestrian connections to schools, shops, community facilities and places of employment, contrary to SBLP Policy D3.
103. There are concerns regarding the site's sustainable location, local footpath connections and availability of public transport which limit the choice for prospective residents as to how they travel. The proposed development is therefore considered to be contrary to Paragraphs 30, 34 and 35 of the NPPF. Having regards to the above, the site can be considered as being isolated, for the purposes of Paragraph 55 of the NPPF.
104. The applicant has referred to a recent appeal decision in respect of the former Homelands Hospital, Helmington Row, Crook. The County Council refused planning permission in 2014 for the demolition of existing buildings and the erection of 49 dwellings for reasons that included the sustainability of the location of the proposed development. The appeal was allowed in April 2016 with the Planning Inspector considering, amongst other matters, that the redevelopment of a previously developed 'brownfield' site would weigh substantially in support of the proposals and

he was satisfied that the site was situated within an accessible and sustainable location for new development, with particularly good access to public transport. Although the applicant may consider the proposals are comparable to the proposed development there are key differences. The Homelands Hospital development involves the demolition of existing buildings and the erection of 49 properties. The existence of redundant buildings at Homelands provides some support from Paragraph 55 of the NPPF. In comparison the application site has been cleared for a number of years with only the foundations remaining with the openness of the site being a landscape characteristic over this time.

105. The scale of the Sedgefield Hospital proposal is much greater than that at Homelands, up to 125 houses are proposed which would result in a significant amount of built development being introduced into a countryside location, comparable with a housing estate in an urban location. The number of properties proposed would result in a large number of future residents potentially relying on the use of the private car to access services and facilities, significantly more than those associated with the Homelands proposal given the greater number of properties proposed. Although it can be argued that comparisons can be made between the two developments it is the case that there are material differences and each application must be considered on its merits.

#### Character, Landscape and Visual Impact

106. The application site lies within the upper Skerne Valley, and is identified within the County Durham Landscape Character Assessment as being Lowland Plain of the Tees Lowlands Character Area. The immediate local landscape is described as being plain farmland and open pasture, with an overall aspiration to 'conserve and restore'. This landscape is generally considered to be attractive, if unremarkable and is not covered by a national or local landscape designation. SBLP Policy E1 identifies the site as being within the Southern and Eastern Lowlands of the plan area, recognises the role that the mainly agricultural landscape plays in providing the setting for Sedgefield and Winterton Hospital, and states that existing landscape features should be retained within any development. This Policy is considered to be NPPF compliant, and significant weight can continue to be afforded to it.
107. It is acknowledged that as a result of its previously developed nature, the site does not possess a particularly notably attractive character. The site itself is largely characterised by the numerous concrete pads upon which the hospital buildings formerly stood, although these are not widely apparent from outside of the site. However, the site does still contain a number of trees and hedgerows of some value, and in being almost entirely cleared of development, provides open vistas, maintains the distinct visual separation between Sedgefield and Fishburn, and generally cannot be considered to have any particular negative impact upon the character of the local or wider landscape; overall it is considered that its contribution is largely neutral.
108. However, the development of the site would change the character of the site, as well as having further reaching impacts upon the character of the locality. Residential development on the site, particularly given the amount of development proposed, would have the potential to appear prominent from Salter's Lane, and from higher ground to the south and west of the site close to the northern edge of NETPark. There would also be views from in and around Lizards Farm which lies to the north.
109. The character of the this open corridor between Sedgefield and Fishburn would be eroded, and visually when travelling along Salters Lane in a northerly direction, the current experience of leaving Sedgefield and passing NETPark, before entering a visual break in development (with the exception of Willowdene Care Home) of

around 1km, would be reduced to an effective break of around 300m before the development was reached, and then a further break of 480m before the reaching the outskirts of Fishburn. By breaking this larger visual separation into two separate smaller breaks, the sense of leaving Sedgefield, entering open countryside, and then re-entering a built-up area in Fishburn would be replaced by an incongruous suburban experience, located within a wider agricultural landscape.

110. SBLP Policy E15 seeks to retain important groups of trees and hedgerow and replace any trees which are lost. The proposal is in outline and detailed layout and landscaping proposals would be submitted at the reserved matters stage should planning permission be granted although there are concerns as to whether or not it would be practical to retain existing trees and hedgerows in the longer term. The proposed development would not accord with SBLP Policy E1 relating to the maintenance of landscape character and SBLP Policy D1 relating to the general principles for the layout and design of new developments in that the proposal although in outline would not fit into a landscape scheme for the landscape are in which it fall, the Southern and Eastern Lowlands. SBLP Policy L15 requires development to form part of a comprehensive planning scheme that, amongst other matters, concerns the landscape setting. The proposed development would be contrary to this.
111. Landscape officers object to the proposal considering the development would have significant landscape and visual effects, inevitably changing the landscape character from an abandoned semi-rural site to an urban landscape location that does not relate well to the adjacent settlement of Sedgefield or Fishburn. The proposal would conflict with SBLP Policies L15, E1 and D1. Furthermore it is considered that the proposal would conflict with the recognition within the NPPF of the intrinsic value and beauty of the countryside at Paragraph 17.
112. The harm that results should be factored into the planning balance, having regards to NPPF Paragraph 14.

*NPPF Paragraph 55 and the balancing exercise*

113. As set out above, Paragraph 55 of the NPPF states that new residential development in isolated locations should be avoided, except in particular circumstances, and further, that this particular development would constitute residential development in such a location.
114. Having regards to the exceptions contained within NPPF Paragraph 55, it is considered that this particular proposal does not meet any of those cited. No case for an essential need for rural workers to live permanently at, or near, their place of work has been advanced; no heritage assets are involved, and whilst the site is previously developed, the development would not lead to the use of redundant or disused buildings and nor, arguably, lead to an enhancement to the immediate setting. Whilst the application is outline form only it is not possible to demonstrate that the proposed dwellings would be of such design quality, so as to satisfy that particular exception. As a result the proposed development is considered to be contrary to NPPF Paragraph 55.
115. NPPF Paragraph 14, as outlined above, introduces a planning balance test, where relevant housing policies are out of date. It additionally weights this balancing exercise by introducing a presumption in favour of sustainable development, whereby any adverse impacts should significantly and demonstrably outweigh any benefits, in order to justify the refusal of an application.

116. However, there is a second limb to this balancing exercise, which disengages the presumption in favour of sustainable development, where specific policies within the NPPF indicate that development should be restricted. It is considered that Paragraph 55 constitutes such a policy, and as has been established, this proposal is an isolated residential development, which does not benefit from any of the Paragraph 55 exceptions.
117. As a consequence, it is considered that this particular proposal is subject to the second limb of NPPF Paragraph 14, in that the balancing exercise should still be carried out, however, there is no presumption in favour of development, and that any adverse impacts need not “significantly and demonstrably” outweigh any benefits of the scheme, in order for the proposal to be considered unacceptable.

### Affordable Housing

118. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst SBLP Policy H19 encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
119. The Council’s evidence base for the Sedgefield area suggests that a proportion of affordable housing amounting to 10% would be required on this site, amounting to 13 dwellings, and the Housing Delivery Team have requested that this be delivered in the form of 75% affordable rent, and 25% affordable home ownership.
120. The applicant has confirmed that this requirement can be met as part of any Section 106 legal agreement, and therefore the proposal is considered to be acceptable in this regards.

### Residential Amenity

121. At present only limited, indicative details are available with regards to layout and design, with the application being in outline form only. However, it is considered that in principle, residential development could be accommodated on the site without unreasonable loss of residential amenity, due to the absence of existing residential development close to the site. Certainly, the houses would be visible, particularly to occupiers of Willowdene Care Home (immediately to the north) and The Lizards (approximately 105m to the west), however, adequate separation distances that comply with SBLP Policies D1 (NPPF consistent) and D5 (partially NPPF consistent), could be achieved, by means of a considerate layout.
122. Furthermore, due to the outline nature of the application, it is considered that it is difficult to fully appraise the development against the requirements of SBLP Policies D1, D2 and D3 (which are NPPF compliant), however based upon the submitted masterplan, it appears that a suitable development of up to 125 dwellings could be achieved on the site. The requirement of SBLP Policy D9 to incorporate artwork in the development is not fully NPPF consistent, however the NPPF is supportive of creating well-designed places, and the provision of public art would contribute towards this aim. Incorporation of public art within any scheme could be secured by means of planning condition.
123. In terms of noise, Environmental Health and Consumer Protection officers raise no objections. It is noted that there would likely be some properties close to the B1278,

and a noise survey would be required to establish the noise climate during any detailed design phase, and incorporate mitigation measures as necessary. A condition could be attached to any planning permission in order to secure this.

124. The construction phase of the development would be temporary. However, the proximity of a nursing home adjacent to the site means that construction noise has the potential to have an impact upon residential amenity. A construction management plan can be agreed under condition so as to agree methods of reducing the potential disturbances that the development of the site may bring including burning of waste on site, dust and requirement for an asbestos survey. Furthermore a condition can be added to any planning permission requiring agreement to be reached on a Dust Action Management Plan during the construction.

#### Highways Issues

125. The application is accompanied by a transport assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
126. The Highway Authority raises no objections to the content of the submitted TA. It is considered that the level of traffic generation would not result in any severe impacts on the operational capacity of the highway network. This assessment of the operational capacity of the highway network has taken into consideration the potential for cumulative impacts. The provision of a pedestrian refuge island on the B1278, a 2.4 x 120m junction visibility splay, and the implementation of a Residential Travel Plan could be secured should planning permission be granted.
127. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. No concerns are raised by the Highways Authority in relation to highway safety matters.

#### Flood Risk and Drainage

128. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
129. The application is accompanied by a flood risk assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
130. The FRA identifies that site is at low risk of flooding from fluvial, groundwater, sewer and other man-made sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. The Council's Drainage and Coastal Protection Team have considered the content of the FRA, and concur with its conclusions.

131. With regards to how the development would address drainage, the application demonstrates that infiltration tests have taken place that identifies the disposal of surface water by this method will not be viable. Further, disposal via the River Skerne is not an option as it is in third party ownership, and would require the construction of a pumping station.
132. As a result, it is proposed to dispose of surface water via connection to the public sewer, discharging at a rate of 18.4l/s, which is reflective of greenfield rates. Surface water attenuation will be provided on site in the form of a SUDS scheme, which will prevent external flooding for 1 in 30 year floods, and prevent buildings flooding up to 1 in 100 flood events.
133. The Council's Drainage and Coastal Protection have indicated that they are satisfied with these proposals, and further that the SUDS structure will be adopted and maintained by the Council, in accordance with the SUDS Adoption Guide 2016, with costs being met through an estate rent charge.
134. With regards to the disposal of foul waters Northumbrian Water raise no objections. A condition can be added in the event of an approval to ensure this.
135. The development is considered acceptable and compliant with Part 10 of the NPPF in this regard.

## Ecology

136. The application is accompanied by an Extended Phase 1 Habitats Survey report, which has been updated during the course of the application.
137. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Part 11 of the NPPF. In addition with regards to European Protected Species (EPS) under the requirements of The Habitats Regulations it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of The Habitat Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions provided within the legislation. However, the need to consider if an EPS licence may be granted only occurs where there would be interference with an EPS.
138. The Ecological Appraisal identifies that the remaining building on the site contains two Small Brown Long Eared Bat day roosts, several occasionally used Common Pipistrelle, and a single Mouse-eared bat roots were also encountered. Consequently, in order for the development to proceed, which would include the demolition of this building, an EPS licence would be required from Natural England to facilitate the development.
139. The bat survey notes the loss of this building would be unlikely to result in a significant impact on the local population due to the small size and status of the roosts, providing that appropriate mitigation is implemented. Proposed mitigation in this instance would take the form of 14 bat boxes to be installed on existing mature trees along the northern boundary of the site. In the longer term, four bat tubes would be incorporated into purpose built roof voids of selected garages, or houses,

within the site, and a further roof void in a detached garage would provide Brown Long Eared bat roosting opportunities.

140. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
141. Of these tests, it is considered that there would not be a satisfactory alternative to the demolition of the building, considering its condition and appearance. It could not be retained within the development, and is likely beyond economic repair. Further, in due course, its value as a roosting habitat would decline. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed mitigation measures would likely secure this, subject to final appropriate locations being agreed within any detailed design scheme.
142. With regards to the public interest test, this can only be concluded upon once the planning balance test, as set in NPPF Paragraph 14 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
143. In terms of other ecological impacts, a survey has been carried out to establish the site's suitability for Great Crested Newts, and it has been established that there are not any newts currently using the site.
144. The County Ecologist has raised some concerns with regards to the submitted Biodiversity Enhancement Plan, as it is considered that the biodiversity proposals appear to have been "retro-fitted" to an existing masterplan, and were unlikely to deliver the enhancements claimed. Paragraph 109 of the NPPF states that impacts upon biodiversity should be minimised, and that net gains should be provided where possible, and NPPF Paragraph 7 states that sustainable development should help to improve biodiversity, and NPPF Paragraph 118 states that opportunities to incorporate biodiversity in and around developments should be encouraged.
145. It is considered that as the application is in outline form, that it will be difficult to at this stage to form a comprehensive enhancement plan, with no final layout of the development being proposed. However, it is also considered that weakness of the submitted Enhancement Plan should be factored into the overall planning balance to be carried out in accordance with Paragraph 14. In this instance, notwithstanding the need for a Natural England licence, it would appear that there would not be substantial harm to biodiversity interests; however neither can significant weight be given to the claimed biodiversity enhancements as a benefit of the proposed development.

#### Impacts upon Heritage Assets

146. The application site does not lie within close proximity of any designated heritage assets, the closest being the Grade II listed St Luke's Church, situated some 600m away, and with no visual relationship with the site. Consequently, it is considered that there would be no material impact upon designated heritage assets. In terms of

non—designated heritage assets, it is noted that Lizards Farm does appear on early OS Maps, however, any significance would be minor, and any impact upon it as a result of this development are considered likely to be minimal, and certainly less than substantial.

147. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site. The detachment of the site is of concern. If the principle of housing is accepted in this isolated location it is recommended that the applicant revisit the proposed layout prior to submission of a reserved matters application as outlined above. Any outline approval should require detailed elevation plans and a materials schedule to be submitted at reserved matters stage.
148. With regards to archaeology, Archaeology officers consider that due to the previously developed nature of the site that it is unlikely, in this instance to be of archaeological interest, and the proposal is considered to be acceptable in this regard also.
149. Paragraph 135 of the NPPF states that the impact of an application upon the significance of a non-designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with impact upon significance being minimal, the application is considered to be acceptable in this regard.

#### Other Issues

150. SBLP Policy D8 expects developments to meet any servicing requirements, and contribute towards the offsetting of the costs imposed on the community. The policy is only partially NPPF consistent in that it does not make provision for the potential viability of developments to be taken into account, however the thrust of the policy is considered to be consistent with Paragraph 72 of the NPPF which attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. With regards to this, the School Places Manager has advised that as of September 2017 there will be no further capacity at Sedgefield Community College, and that the development is likely to generate secondary school place demand amounting to 15 pupils.
151. As result, a contribution of £238,800 is requested in order to provide the additional capacity to accommodate the additional pressures that would be created by this development. Such a contribution could be secured by means of a Section 106 legal agreement.
152. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). Should planning permission be granted then an appropriate amount of open space could be secured on site by planning condition or in lieu of onsite provision a financial contribution could be secured through planning obligation.
153. The possibility of the site being contaminated has been addressed by means of the submission of a geo-environmental site appraisal. The appraisal identifies that contamination is present, and a suitable means of remediation identified. Environment, Health and Consumer Protection officers raise no objection to the proposal and should planning permission be granted request the submission of a

verification report the completion of remediation through condition. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.

49. Planning plays a key role in helping to reduce 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. Sustainability officers consider that information pertaining to sustainability and energy is lacking and requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.

#### Planning Balance

154. The acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, however as the application is considered to be contrary to Paragraph 55, which is a policy that indicates that development should be restricted, the second limb of this test applies. Therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must only outweigh any benefits, and there is not a requirement for them to significantly and demonstrably do so.

#### Benefits

155. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
156. The judgement of the High Court in *Phides Estates (Overseas) Ltd v SSCLG*, states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet;
157. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted, which is likely to be within the next 2 years.
158. Further, the level of contribution that the development would make to the 5-year supply is also considered to be relevant. Even if the full number of 125 dwellings is delivered within the next 5 years, which itself is unlikely having regards to industry delivery rates, this development would only contribute between 0.6 and 0.72 month's worth of supply, only raising, in itself the 5 year housing supply figures from between 4.04 and 4.65 years of supply, to around 4.1 and 4.7 years of supply. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
159. This boost would extend to the delivery of affordable homes as the development proposes the delivery of 10% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA).

160. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs which the submitted Planning Statement considers would be the equivalent of 187 during the construction phase, and a further 562 indirect jobs over the lifetime of the development. The Planning Statement also references a temporary economic uplift resulting from the development and expenditure benefits to the area.
161. The applicant has also stated that in accordance with the request from the Employability Team that they would enter into an agreement to secure targeted recruitment and training/local labour requirements.
162. Although the site was identified within the Sedgefield Neighbourhood Plan as being within the built up area boundary (BUAB) in light of the examiner's conclusions on this issue it is considered that this should not be afforded weight.

#### *Adverse Impacts*

163. The development would constitute residential development in an isolated location, contrary to NPPF Paragraph 55, and would therefore not constitute sustainable development.
164. Although the landscape value of the site itself is only neutral, the function that it carries out in a wider setting is of some value, particularly in terms of maintaining the sense of separation between the settlements of Fishburn and Sedgefield. This character would be substantially eroded by the introduction of a large residential development at this site.

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## **CONCLUSION**

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165. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
166. There is no requirement in this instance for these adverse impacts to significantly and demonstrably outweigh the benefits of the proposal as the presumption in favour of sustainable development is not engaged. Therefore any amount of harm can be considered outweigh the benefits. Adverse impacts have been identified, most notably that the site is isolated, that it would not be easily accessible by a range of modes of transport other than motor car for the full cross section of society, and that it would have some adverse landscape impacts.
167. Whilst there are some benefits to the proposal, notably the boost to housing supply including affordable homes, direct and indirect economic benefits, it is considered that these do not amount to a particularly high level of benefits, and that they are outweighed by the particular adverse impacts identified. The proposed development cannot therefore be considered to be sustainable development.
168. Furthermore, it is noted that as there does not appear to be an overriding public interest in approving this development, then a Natural England Protected Species licence to demolish the single building on the site which contains bat roosts is unlikely to be granted.
169. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have

been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The proposed development, as a result of its nature, amount and location, would fail to meet the social role expected of a sustainable development as a result of its inadequate accessibility to local services, local footpath connections and availability of public transport which limit the choice for prospective residents as to how they travel contrary to Policy D3 of the Sedgefield Borough Local Plan and Paragraphs 6, 30, 34, 35 and 55 of the National Planning Policy Framework. It is considered that the proposed development would not therefore constitute sustainable development, and would constitute development that policies of the NPPF indicate should be restricted, in accordance with Paragraph 14 of the NPPF.
2. The introduction of a large residential development into an area of open countryside would have a detrimental impact on the character and appearance of the area contrary to Sedgefield Borough Council Local Plan Policies E1, L15 and D1 and Paragraph 17 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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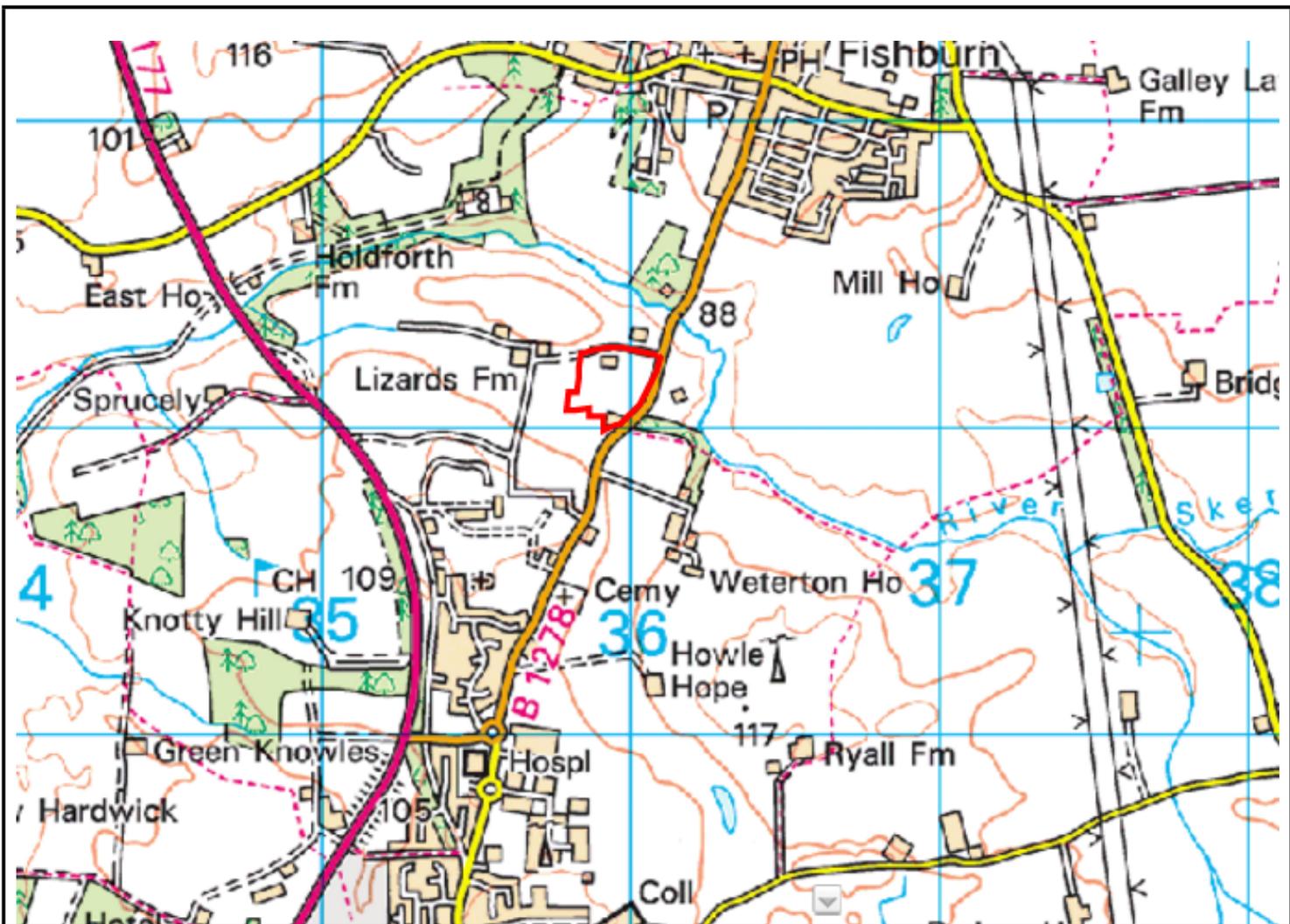
The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Institution of Highways and Transportation (CIHT) document "Providing for Journeys
- Sedgefield Borough Local Plan
- Sedgefield Neighbourhood Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



**Planning Services**

DM/16/01522/OUT

Outline application (all matters reserved except partial means of access, to, but not within the site) for the erection of up to 125 dwellings, associated landscaping and parking, plus demolition of existing buildings

Land At The Former Sedgefield Community Hospital, Salters Lane, Sedgefield

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**Comments**

**Date** August 2016

**Scale** Not to scale