

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION No:</b>	<b>DM/16/03101/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline application (all matters reserved except access) for the erection of up to 46 dwellings with associated infrastructure</b>
<b>NAME OF APPLICANT:</b>	<b>My Wayne Baister, Initial Group</b>
<b>ADDRESS:</b>	<b>Land Opposite High View Country House, Low Road, Kirk Merrington, County Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Ferryhill</b>
<b>CASE OFFICER:</b>	<b>Laura Eden</b> <b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site is an undeveloped parcel of agricultural land measuring 2.1ha in area located on the north-western edge of the village of Kirk Merrington. A level change is evident across the site, with the gradient falling away in a south westerly direction from the eastern boundary which forms the existing settlement limit of Kirk Merrington. Agricultural fields and a group of isolated buildings are located to the south of the site and to the west there are open fields. The adopted highway Low Road and two isolated dwellings are located to the north, beyond which lie agricultural fields. Two Public Rights of Way cross the site in an east-west direction. The site is located outside the settlement limits outside the village and also the Kirk Merrington Conservation Area. To the east the site is bordered by residential properties and a Public House fronting the highway West View.

### The Proposal

2. Outline planning permission is sought for the erection of up to 46 dwellings, with all matters except access reserved for future consideration. Planning permission has been refused twice within the last 2 years for similar schemes that seek to establish the principle of residential development on the land. There have been some amendments to the last proposal considered in July 2015 including altering the red line boundary to omit the retail food store between the Public House and bungalows on the West View road frontage. The housing numbers have also been reduced from 49 to 46 and a landscape parameter plan has been submitted which seeks to provide additional certainty over the form and scale of development. The positioning of dwellings on the indicative layout is largely the same as previously indicated although properties are now shown to be set back further from the northern boundary. However in all other respects the application remains the same and

dwelling would remain a mix of semi-detached and detached houses and bungalows arranged around a series of cul-de-sacs. An upgraded vehicle access would be provided from an existing field access on to Low Road and would involve the removal of a section of existing hedgerow and a tree to improve site visibility. The indicative layout shows that landscaping buffers and protective zones would be provided to the northern, western and south western boundaries.

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

---

## **PLANNING HISTORY**

---

4. Two previous applications for outline residential development were refused in December 2014 and July 2015 by the South and West Planning Committee. The reasons for refusal were very similar (the former made reference to the emerging plan) and the most recent refusal reasons stated:-
  1. The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.
  2. The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.
5. Consideration has previously been given to the suitability of the site to meet the projected demand for housing in the County Durham Plan through the Strategic Housing Land Availability Assessment (SHLAA). Following appraisal the site has been rated Amber due to the edge of settlement location with poor access to services and facilities. The site was considered to result in significant adverse landscape and visual impact, and have a detrimental impact on the Conservation Area.
6. Planning Permission for a housing development on part of the site was refused in 1988 and subsequently in 1989 based on a similar site area.
7. Planning permission for three bungalows on the land adjacent to the PH (formerly included in the above 2014 and 2015 applications in association with a retail store) was granted in December 2015.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY:**

8. 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 dependent.

9. 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’.
10. The following elements are considered relevant to this proposal;
11. *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 a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
14. *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.
15. *NPPF 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.
16. *NPPF 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.
17. *NPPF 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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

18. *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.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

## **LOCAL PLAN POLICY:**

### **Sedgefield Borough Local Plan (1996) (SBLP)**

19. Policy E1 (Maintenance of Landscape Character) Sets out that the Council will seek to encourage the maintenance of distinctive landscape areas by resisting proposals that would damage the character and appearance of the River Wear Valley and requiring that landscaping features fit into a development proposal.
20. 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.
21. Policy E15 (Safeguarding woodlands, trees and hedgerows) Sets out that the Council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. Policy E18 (Preservation and Enhancement of Conservation Areas) Requires that development proposals preserve or enhance the character and appearance of Conservation Areas.
23. Policy H8 (Residential Frameworks for larger villages) Outlines that within the residential framework of larger villages residential development will normally be approved.
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 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.
26. 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.
27. Policy D1 (General Principles for the layout and design of new developments) Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

28. 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.
29. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
30. 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.
31. 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

## **RELEVANT EMERGING POLICY**

### **The County Durham Plan**

32. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (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.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

33. *Spennymoor Town Council* – No comments received
34. *Highways Authority* – Reiterate previous advice in that although the development falls below the threshold requiring a formal Transport Statement the submitted statement has been reviewed and is deemed to be acceptable. No objections are raised regarding the proposed access on highway safety grounds. The surrounding road network is considered acceptable to accommodate additional vehicle movements associated with the development and satisfactory visibility splays could be achieved.
35. *Northumbrian Water* – No objection to the development on the provision that it is carried out in strict accordance with the submitted Flood Risk Assessment.

### **INTERNAL CONSULTEE RESPONSES:**

36. *Planning Policy* – Raise objections. It is considered that the scheme conflicts with the general aims of the SBLP as the site is outside the residential framework contrary to policy H8. This is considered to be a housing supply policy so is not up-to-date in the

context of NPPF para 49. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. The scheme has the potential to deliver benefits in social and economic terms through the delivery of new housing including affordable housing however this is not considered sufficient to outweigh the harm it would cause. The site has a poor level of sustainability as it is not well related to the village, has poor accessibility to local services and facilities by sustainable modes of transport.

37. *Design and Historic Environment Section* – Following a review of the supporting information still advise that due to the steep topography of the application site and the well defined western boundary of Kirk Merrington the development would relate poorly to the existing settlement and would appear as an urban expansion. It is considered that this would have a negative impact on the setting of the conservation area and relationship with the existing village.
38. *Sustainability Officer*– Significant adverse impacts have been identified by landscape colleagues and this together with the poor accessibility of the site has impacts upon the presumption in favour of sustainable development. Carbon reduction initiatives would be required to be embedded within the development, and controlled by condition should permission be granted.
39. *Landscape Section* – The proposals are similar to those submitted in 2015. Some changes have been made to the layout and design which would improve its quality, although not to an extent that would substantially change the overall nature or magnitude of landscape and visual effects. The proposals would entail an incursion of built development into attractive open countryside in a relatively prominent location west of the village of Kirk Merrington and forming part of its immediate setting. They would have a localised but significant adverse effect on the character of the site and the local landscape in that area. While some of the effects on the local landscape would progressively reduce with the development of structural landscaping this would take some time.
40. *Arboricultural Officer* - There is little conflict with trees on the site but there is the potential for the removal of the roadside hedge and this is likely to have a negative impact.
41. *Affordable Housing* – No comments received in relation to this application however previously advised that an affordable housing requirement of 10% would be expected across the site
42. *Archaeology Section* – The geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching. This should be carried out in support of any future reserved matters application to ensure any further mitigation can be incorporated into the development strategy if needed.
43. *Access and Rights of Way Section* – Two recorded Public Rights of Way would be affected by the development. Footpath 70 on the southern boundary has already been dealt with as part of planning application DM/16/02482/FPA for the construction of a bungalow and an application to divert has been received. Footpath 64 will also be affected therefore PROW would want to be involved in relation to what route this may take through any subsequent development.
44. *Drainage and Coastal Protection Section* – Request that planning approval is withheld until amended surface water management information is submitted.

45. *Ecology* – Whilst largely satisfied with the results of the survey it is recommended that further biodiversity improvements are incorporated into the survey recommendations.
46. *Environmental Health (Contaminated Land)* – The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring therefore a contaminated land condition should apply.
47. *Environmental Health (noise)* – Offer no objections to the scheme subject to a condition being imposed relating to a Construction/Demolition Management Plan which will assess noise, vibration, dust and light in relation to nearby occupants and shall detail mitigation measures to limit any potential impacts.
48. *School Organisational Manager* – Highlights that the development could produce an additional 14 pupils of primary and 6 at secondary school age. Whilst sufficient secondary school places are available there are no primary school places available at Kirk Merrington Primary school therefore an additional classroom would be required. A contribution from the developer to fund additional classroom space equating to £192,570 would be expected.

#### **PUBLIC RESPONSES:**

49. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. The residents of 77 properties and local member Councillor Avery have submitted letters of objection in relation to the issues summarised below:-
- The proposal represents a greenfield development outside of the defined settlement limits for Kirk Merrington. There are other housing developments on brown field sites in close proximity of the site either under construction or waiting to be developed therefore there is no need for further housing. Numerous properties are available for sale within the village already. Development of this site will lead to over supply issues. The site is identified as Amber in the SHLAA, not suitable for development whereas several green sites were identified in the surrounding area.
  - Query the sustainability of the settlement as it does not benefit from many facilities or services.
  - The proposal would impact on highway safety due to increased vehicular movements caused by the development especially down narrow lanes at peak times and the ability of junction and road network within Kirk Merrington to accommodate increased traffic flows. There is limited connectivity for pedestrians and cyclists within the village and to the surrounding areas. Overall it is considered that the development would result in an increased risk for both motorists and pedestrians. The assumptions and conclusions of the submitted traffic survey are brought into question and query the age of the data. Reference is made to accidents that have taken place within the village.
  - There are concerns regarding the capacity of schools and other amenities to accommodate additional residents, at present the school is not big enough to take all pupils from the village. The financial contribution is a one off payment and wouldn't support its future running expenses.
  - Concerns are raised regarding the potential ecological impact of the development through loss of habitat, hedgerows and trees.

- The development would have an unacceptable visual impact encroaching onto surrounding countryside altering the form of the settlement also impacting on the conservation area. This is principally due to the attractive undeveloped nature of the site and level changes. Furthermore, the number of houses proposed is disproportionate to the size of the settlement.
- Concerns are raised regarding potential land contamination issues.
- The ability of a suitable foul and surface water drainage system is questioned given the level differences on site and the level of infrastructure that would need to be provided to pump water.
- The development would have an unacceptable impact on Public Rights of Way crossing the site.
- The proposal is largely similar to two previous refusals therefore question why the resubmission has been allowed. Nothing has substantially changed to invalidate the reasons given for rejecting the proposal. An application was also refused in 1988.
- Letters of support tend to originate from outside of the village.

50.26 letters of support including a letter from a land agent have been submitted in relation to the application as summarised:-

- It is considered that the 46 properties would help the sustainability of the village and would increase custom to the existing businesses in the village. This is a deliverable scheme as there is developer support for the proposal.
- The proposal would bring new jobs and Council Tax revenue to the village.
- The proposed numbers and varied mix of housing would help to achieve housing numbers, would provide affordable housing and also bungalows for the elderly. Would allow young families to find suitable properties in the area.
- The proposed S106 contributions would have a positive benefit to increase capacity and facilities at the school.
- It is considered that the development is sympathetic and would have an acceptable impact on the village and surrounding area.

#### **APPLICANT'S STATEMENT:**

51. Prior to the submission of this application the design team has completed a wholesale review of the proposed development, its relationship with the settlement and surrounding area, and how it sits within the landscape. It was agreed through this process that there were a number of important changes which could be made to the scheme to address the Council's concerns, and secure the delivery of a high quality residential development for Kirk Merrington. The instruction before progressing with this application was to ensure the landscape sensitivities informed the layout of the development, starting from the most basic principles.



52. The revised scheme has consequently provided further certainty on the appearance of the development and how it will be developed, with the Council's landscape officer confirming:
53. "Should the principle of development be accepted the layout and landscape treatments shown on the illustrative site layout (200-01 Rev 9) are well considered, respond to the principles set out in BFL12, and could form the basis for a detailed design of good quality"
54. The main additions are the inclusion of a parameter plan defining significant areas of landscaping which can be secured through condition, restrictions on building heights, and a commitment to provide significant elements of the landscaping scheme in the first planting season following commencement of development. This will provide maximum visual benefit early in the life of the development and reduce the impact of the existing abrupt edge of the village on the landscape. The illustrative layout submitted is a more realistic layout than previous versions, having considered the contours of the site in greater detail, providing significantly more certainty on the likely appearance of the development from surrounding view points.
55. The principle of development on this site is appropriate in the context of the Government's growth agenda for housing nationally. It also responds to the Council's need to boost significantly its supply of housing with the lack of a 5 year housing land supply. The site is well located with regard to surrounding services and facilities with good quality access to Spennymoor and other surrounding settlements.
56. Overall the proposed development is considered to be consistent with the requirements of national and local policy, and should be considered in the context of the presumption in favour of sustainable development.

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>

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

57. 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 main planning issues in this instance relate to the principle of development, infrastructure, visual impact and impact on the Conservation Area, access and highway safety, impact on amenity of adjacent residents and future occupants, ecology, flooding and drainage issues and other material considerations.

### **Principle of development**

58. This application has been submitted following two recent refusals by the local planning authority. The retail food store has now been omitted and housing numbers have been reduced from 49 to 46. A development parameter plan has also been submitted which seeks to provide additional certainty over the form and scale of development. However the proposed scheme has not fundamentally changed.
59. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The SLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, paragraph 215 of the

NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

60. Furthermore, 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.

61. The application site is located outside of the residential framework of Kirk Merrington, where saved policy H8 of the Sedgefield Borough Local Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing. The development of this site for housing would therefore conflict with saved policy H8 of the Sedgefield Borough Local Plan in this respect.

62. Durham County Council is currently unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need for housing is yet to be fully tested. However, despite the lack of a 5 year supply, and the guidance at para 49 of NPPF, it is not the case that every housing site should be approved. Paragraph 14 of the NPPF makes it clear that there is a “presumption in favour of sustainable development”, not any development. This being the case the sustainability and suitability of the site in other ways still needs to be carefully assessed (as the contribution of 46 (indicative) units would not be overly significant in boosting housing supply if it is concluded that the other policy matters are material.

63. Whilst the scheme draws no support from Policy H8 this considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49 and the 5 year housing land situation described above, and DCC has concluded that it is only partially consistent with NPPF. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

64. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the

NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.

65. In regards to the sustainability of the site, Kirk Merrington is identified as a medium sized village (4th tier) containing limited services and employment opportunities with only a primary school, community centre, three public house and a church providing local facilities of any significance. The nearest access to shops, secondary education, formal leisure opportunities and other services and facilities is over 2km away in Spennymoor and over 3 km away in Ferryhill. Whilst bus services do exist these are not frequent services and typically operate on weekdays. Only one route runs a limited service in the evenings Monday through to Saturday. Employment opportunities are within a relatively short drive but are not within walking distance. Consequently, residents of the settlement are likely to be reliant upon accessing employment and main shopping requirements in higher order neighbouring settlements such as Spennymoor, Bishop Auckland and Chilton, as well as further afield in Durham City and Newton Aycliffe. These trips are more likely to be made using the private car and the site is not considered to be as accessible to shops, services and facilities as other housing sites identified within these locations. Any development which does take place in medium-sized villages therefore needs to be commensurate with the role and function of the settlement. The provision of up to 46 dwellings would provide a significant addition to Kirk Merrington (shown to consist of 414 houses and a population of 739 in the County Durham Settlement Study 2012). The retail food store which was previously proposed and would have improved the sustainability credentials of the village given the lack of retail provision at present, has been omitted from the scheme. This part of the site now has the benefit of planning permission for modest infill housing totalling three units.
66. The applicant has highlighted a number of benefits that could arise from the scheme including an expected generation of 69 full time jobs and the increase in Council Tax receipts to the local authority, including the uplift derived from the New Homes Bonus. It is also highlighted that the development would provide a mix of housing to meet housing needs, including six bungalows and a 10% affordable housing provision.
67. Notwithstanding this and in comparison to other larger villages and towns in close the village as a whole performs poorly against sustainability objectives, including ready access to services and amenities without the reliance on the private motor car. The omission of the food store from the current scheme raises further concerns in relation to the sustainability of the site. It is also recognised that the scheme would deliver the required amount of affordable housing as well as some bungalows, but this should not in itself render an unsuitable site acceptable for development. Whilst not disputing that the proposal would have economic and construction benefits, many of these are of a type which would accrue from any housing development and are not necessarily specific to the application site. There are a significant number of homes within the local area that already have permission or are under construction and these create local economic benefits when development is realised. These include a number of planning permissions for individual dwellings or a small number of residential units of an infill character in Kirk Merrington that have been recently granted.

68. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this, it also implies that these should not be seen in isolation and are mutually dependent. It is accepted that the development of the site would boost housing supply and has the potential to provide a proportion of affordable housing which is a key aspect of government policy. The promotion of growth and development should not be at the expense of other elements of sustainable development. This includes the protection of the rural landscape and open countryside and promotion of locations that provides good access to services. These matters of detail are considered below.

#### Infrastructure

69. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. In this instance the Local Education Authority has highlighted that Kirk Merrington Infant School has no available primary school places. It is calculated that a development of 46 dwellings could generate an additional 14 pupils of primary school age. An additional classroom would therefore be required and a contribution of £192, 570 would be requested from the developer. The applicant has indicated a willingness to provide this contribution which would need to be secured through a S106 agreement. To date no agreement has been received. However this is a matter that could be dealt with in the event that the application was approved or as part of any appeal process. Therefore a reason for refusal on this basis could not be sustained.

#### Visual Impact and impact on Conservation Area

70. Local Plan Policies E1 and D5 require that developments should be designed and built to a high standard which contributes to the quality of the built environment and also has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.

71. The application site is a predominately green field location. Its eastern boundary borders the existing development of Kirk Merrington but the remainder of the site is surrounded by agricultural fields with sporadic developments to the north east and to the south. There is a level change evident across the site with the land falling away from the existing dwellings of Kirk Merrington in a south westerly direction. This results in the western edge of Kirk Merrington being prominent within the local landscape. It also gives the impression that this existing boundary forms a natural limit to the built development of the village and that land to the west is located within the open countryside. Although the surrounding landscape is not covered by any national or local landscape designation, the site and surrounding land form part of an attractive approach to Kirk Merrington from the highway to the south west.

72. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted information suggests that the development would be arranged around a series of cul-de-sacs with small areas of public open space through the scheme. The layout, similar to the previous applications, indicates that landscaping buffers would be located around the site. A parameter plan has been submitted to mitigate the impact of the development in the landscape. This shows a landscape buffer to the north and west boundaries (the western side to be planted in the first available planting season), general height limit of two storeys across the site and the existing fixed entry points of public rights of way. The application is also accompanied by Landscape and Visual Impact Assessment (LVIA) which provides

information on the landscape and visual baseline and potential landscape and visual effects.

73. The information submitted in support of this application has been updated following the refusal of the previous planning applications. The landscape officer acknowledges that the design has improved since that submitted in the previous application and responds better to the topography of the site, although not to the degree that it would change the magnitude of landscape and visual effects to a substantial degree. In essence it is still maintained that development in this location would not form a natural extension to the settlement of Kirk Merrington, but represent a significant incursion into an attractive landscape. This would have a local, but significant adverse residual impact on the surrounding countryside, especially to the south and west. It would also affect the setting of the village in the surrounding landscape on approaching Kirk Merrington from the western flank. Part of the value of the local landscape and the character of the settlement is that it sits on the ridge and it is therefore particularly susceptible to the effects of further built development. While the landscape mitigation measures are welcome, it is considered that these would not be sufficient to mitigate the landscape impact especially in the early years of the development and due to the level changes on site. The proposal would also entail the removal of the roadside hedgerow and potentially two young mature ash and sycamore trees to achieve the visibility splays. Although it is proposed to replace this hedge with 'instant' native hedgerow planting which could produce something similar in physical character to the existing hedge this would sit in a suburban rather than agricultural setting. The scheme is therefore considered to remain contrary policies E1 and D1 of the Local Plan.

74. Concerns are also again raised by the Council's Design and Conservation officer in respect of the setting of the Kirk Merrington Conservation Area, due to alterations to the form of the ridge top medieval village. Although the housing development would have an effect on the form of the village, it is also recognised that the western conservation area boundary is predominately set back from the boundary of the site and the housing would not necessarily be seen in the context of the application site. The West View elements of the scheme have also now been removed and it is therefore considered that this objection could not be sustained.

#### Access and Highway Safety

75. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access from the development and the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the junction from Low Road on to the main highway through the village and the increase in vehicle movements.

76. It is proposed that the existing field access to the site would be widened to adoptable standards and would serve as the only vehicle access to the site. Internally it is indicated that the dwellings would be arranged a series of cul sacs. It is also indicated that there would be pedestrian links through the site and these would be in a similar position to established Public Rights of Way that cross the site. The Council's Rights of Way Officer has stated that footpath 70 on the southern boundary has already been dealt with as part of another planning application and an application to divert has been received. Footpath 64 will also be affected therefore PROW would want to be involved in relation to what route this may take through any subsequent development.

77. Although the proposal falls below the thresholds requiring a Transport Assessment, the applicant has submitted an assessment in support of the application. In appraising this assessment the Council's Highway's Officer raises no objection to the scheme subject to the imposition of a condition relating to the junction sight visibility splays. It is also advised that the surrounding road network could adequately accommodate the likely traffic generated from the development.
78. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding highway layout, parking provision and accessibility could be controlled in any future reserved matters application. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

#### Impact on amenity of adjacent residents and future occupants

79. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, subject to a number of small amendments, a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. No nuisance, noise or disturbance impacts above those associated with residential uses are predicted. Subject to the imposition of a condition relating to a Construction/Demolition Management Plan which will assess noise, vibration, dust and light in relation to nearby occupants and shall detail mitigation measures to limit any potential impacts colleagues in the environmental health section raise no objections to the scheme.
80. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 2760sqm across the scheme. Although the site layout makes provision for an area of open space this falls short of the policy target. The applicant has indicated a willingness to enter into a S106 agreement for an offsite contribution. To date no agreement has been received, however this could be dealt with in a similar way to any affordable housing elements. Alternatively this is a matter that could be covered by condition to ensure that any reserved matters application reflects this requirement. It is not considered therefore that a reason for refusal on this basis could not be sustained.
81. The Contaminated Land Officer has assessed the available information and the historical maps. The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring therefore a contaminated land condition should apply.

#### Ecology

82. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
83. The Ecology Section have advised that they are largely satisfied with the results of the survey however it is noted that very little in the form of biodiversity enhancements have been included in the recommendations. In line with the requirements of the NPPF development proposals should aim to retain and enhance the overall biodiversity on a site therefore this application has not meet this requirements. The recommendations section of the report could however be amended to provide such

gains. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

#### Flooding and drainage

84. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
85. In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1. Having considered the content of the Flood Risk and Drainage Assessment the Council's Drainage Officer have requested that further information is submitted to verify the drainage option and have advised that the site layout needs to be amended to incorporate appropriate sustainable drainage systems in accordance with the Council's adopted guidelines. They recommend that planning approval is withheld until amended surface water management information is submitted.
86. Northumbrian Water raise no objection to the proposal on the basis that the development is carried out in accordance with the Flood Risk Assessment. They do however note that they are not commenting on the quality of the FPA as a whole nor the developers approach to the hierarchy of preference and it is for the Council as Lead Local Flood Authority to assess whether the submitted information is satisfactory and in accordance with their policy. As indicated above the Council's Drainage officers have raised an objection to the scheme and consider permission should be withheld until such time as their concerns about the viability of suggested drainage options and consideration of the sustainable management of surface water are addressed. On the basis that this application is for outline consent, with site layout being a reserved matter, it is considered that drainage concerns could be addressed through the imposition of a planning condition.

#### Other Issues

87. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey and has prepared a written scheme of archaeological investigation. In reviewing these documents the Council's Archaeology Officer notes that the geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching. This should be carried out in support of any future reserved matters application to ensure that any further mitigation can be incorporated into the development strategy if needed. Such matters can be secured by condition.
88. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. This matter can be controlled by condition.
89. A significant number of objections have been received from local residents, (more than recorded in association with previous applications for the site) which is indicative of the level of public concern about the scheme. A letter has also been received from the Governors of Kirk Merrington Primary School who maintain their objection to the scheme notwithstanding the financial contribution that would be

secured should the application be approved. Numerous letters have expressed concerns that this application has been accepted for a third time. Whilst these frustrations about the similarity of the proposals are noted it is the case that changes to the scheme have been made in an effort to overcome previous concerns. All of the other objection reasons have been addressed within this report. It is accepted that a good number of letters of support have also been received in relation to the application including a large proportion from outside of Kirk Merrington.

### The Planning Balance

90. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
91. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits of the additional housing supply and potential affordable housing contribution.
92. Nevertheless and despite some changes that seek to address the previous refusals reasons, the overall sustainability credentials of the development in the context of Kirk Merrington and its landscape setting have not improved. It is still maintained that development in this location would not form a natural extension to the settlement of Kirk Merrington, but represent a significant incursion into an attractive landscape. This would have a local, but significant adverse residual impact on the surrounding countryside and upon the setting of the village.

---

## CONCLUSION

---

93. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
94. In this instance it is accepted that the development would provide public benefits, the most significant of which, would be the boost that the proposal would provide to housing supply, including a mix of both market and affordable homes.
95. However, it is considered that the adverse visual impacts of the development and the poor accessibility of the site to services significantly and demonstrably outweigh the public benefits. The proposal is not considered to represent sustainable development when assessed against all elements of the NPPF. While there has been some further minor modifications, analysis and justification for what is proposed, these steps do not address the key issues that were highlighted in the previous reasons for refusal.
96. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the limited benefits of the scheme. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for refusal.

---

## RECOMMENDATION

---

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



1. The Local Planning Authority considers that the site is not a sustainable location for significant new residential development, and represents a significant incursion into the open countryside in conflict with policies H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, as a result of its siting and scale in open countryside would unreasonably and unacceptably alter the character and setting of the settlement of Kirk Merrington, contrary to policies E1, H8 and D1 of the Sedgefield Borough Local Plan and paragraphs 7 and 17 of the National Planning Policy Framework.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

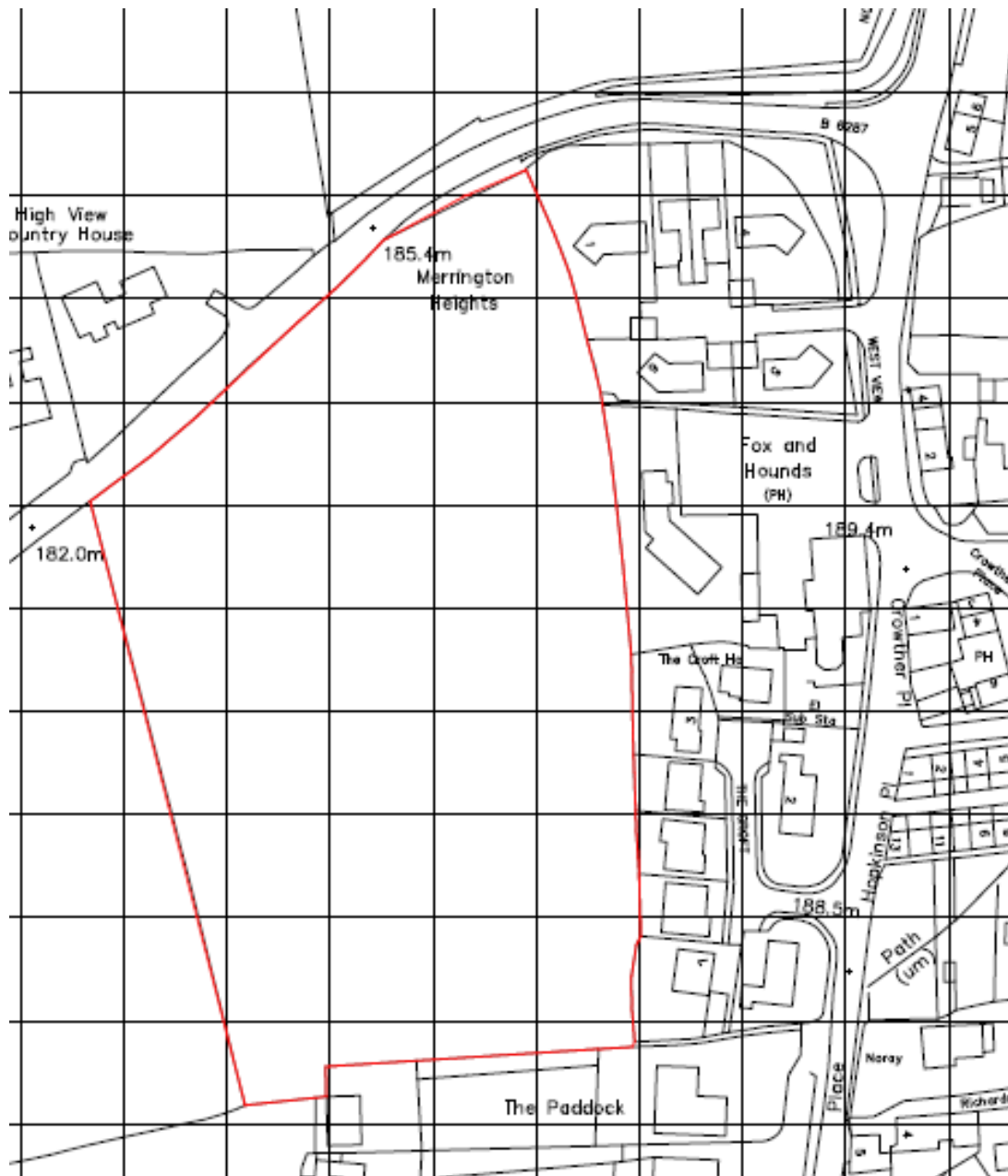
The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of 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.).

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



**Planning Services**

**Outline application (all matters reserved except access) for the erection of up to 46 dwellings with associated infrastructure**  
**My Wayne Baister, Initial Group**  
**Land Opposite High View Country House, Low Road, Kirk Merrington, County Durham**  
**Ref: DM/16/03101/OUT**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
 Durham County Council Licence No. 100022202 2005

**Date**  
 15<sup>th</sup> December 2016

**Scale**  
 Not to scale