
APPLICATION DETAILS

APPLICATION NO:	DM/16/03151/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development of up to 70 dwelling houses with all matters reserved
NAME OF APPLICANT:	Mr Gordon Hirst
ADDRESS:	Land to the North of Salvin Terrace, Fishburn
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The 3.8 ha application site is an arable field bounded by trees and hedgerows located to the rear of Salvin Terrace in the north-easterly part of Fishburn.
2. The site is on elevated land rising up from Road C26 to the south from which access would be gained and contains a prominent ash tree in its north eastern corner. The site abuts small woodland belt adjacent to the southern boundary with residential properties in Salvin Terrace. .
3. Housing within Sedgefield Terrace and an ambulance depot also lies to the south and further residential development and a cemetery lie to the east. Open countryside lies to the north and west of the site which is crossed by a public right of way.

The Proposal

4. Outline planning permission is sought for residential development of up to 70 dwelling houses with all matters reserved. Indicative plans show that an access would be taken off the C26, running parallel with Fishburn and Stobart Terrace. The indicative layout shows houses located on the land to the rear of Salvin Terrace which appears capable of accommodating the 70 dwellings proposed and associated areas of public open space.
5. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

6. The site does not benefit from any previous planning consents.

PLANNING POLICY

NATIONAL POLICY:

7. 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.
8. 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’.
9. The following elements are considered relevant to this proposal;
10. *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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *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 and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

16. *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.

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)

17. 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.
18. Policy H8 (Residential Frameworks for larger villages) Outlines that within the residential framework of larger villages residential development will normally be approved.
19. 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.
20. 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 benchmark provision.
21. 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.
22. 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.
23. 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.
24. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
25. 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.

26. 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
27. Policy D9 (Art in the Environment) Encourages the provision of artistic elements in development.
28. 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.

RELEVANT EMERGING POLICY

The County Durham Plan

29. 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:

30. *Fishburn Parish Council* – Is supportive of the proposal as it is considered the development would benefit the sustainability of the village. It is hoped that matters relating to highways access and visibility will be fully considered taking into account the increased volume of traffic.
31. *Highway Authority* – Options for creating a new vehicular access onto the C26 are outlined in the Transport Assessment and are deemed to be generally acceptable subject to final details being agreed at reserved matters stage. There is also the potential to create improved vehicular and pedestrian access for the occupiers of adjacent properties. A series of general recommendations have been made to help inform any future reserved matters application.
32. *Northumbrian Water* – No objection to the development on the provision that a condition relating to foul and surface water drainage is imposed.

INTERNAL CONSULTEE RESPONSES:

33. *Planning Policy* – The scheme conflicts with the general aims of the SBLP as the site is outside the residential framework contrary to policy H8. However this is considered to be a housing supply policy so is not up-to-date in the context of NPPF para 49 and in this instance the proposal should be subject to the planning balance test 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 and is considered to be well related to the village if the landscape impacts are within acceptable parameters.

34. *Design and Historic Environment Section* – The development of this site would cause some incursion into the countryside but has the potential to provide a better defined settlement edge. However it is the detailed design that will dictate the overall quality of the development.
35. *Sustainability Officer*– No concerns raised in relation to locational sustainability. A condition is suggested to ensure that a scheme is agreed to embed sustainability within the development and minimize carbon from construction and in-use emissions.
36. *Landscape Section* – The proposals would have some localised adverse landscape and visual effects which could be reduced through detailed design.
37. *Arboricultural Officer* – It is recommended that the existing trees and hedges on site are retained and that any future planning application is supported by tree protection plans.
38. *Affordable Housing* –Affordable housing requirement of 10%
39. *Archaeology Section* – The submitted survey identifies features of interest which require further investigation. This should be secured by planning conditions.
40. *Drainage and Coastal Protection Section* – Despite initial concerns confirm that they have no objections to the proposed drainage strategy.
41. *Ecology* – An addendum to the submitted ecology report has been produced which identifies a series of recommendations to mitigate the impact to protected species, to be secured through a S106 legal No objection is raised on this basis and subject to the imposition of conditions relating to the agreement of a sensitive lighting strategy.
42. *Environmental Health (Contaminated Land)* – Offer no objection subject to the imposition of a condition
43. *Environmental Health (noise)* – No objection subject to the imposition of a construction management plan condition
44. *Public Rights of Way* – Two footpaths are affected by the proposal and footpath 12 will likely require diversion.
45. *School Organisational Manager* – There are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development.

PUBLIC RESPONSES:

46. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 7 letters of objection have been received in response raising the following issues and concerns:
 - a second access being created off the C26
 - the potential impacts to the Public Rights of Way
 - impact to existing trees and hedges on site
 - incursion into the countryside
 - destruction of wildlife habitat

- loss of light and privacy
- overbearing impact
- loss of view and property devaluation

47. One letter has also been received querying aspects of the development such as will there be a cap on housing numbers, the need for affordable housing in a place such as Fishburn, whether the development will actually go ahead, the proposed mix of housing, access, flooding, noise and disturbance from adjacent land uses.

APPLICANT'S STATEMENT:

48. The applicant understands that this proposal is to be recommended for approval, and as such draws the Planning Committee's attention to the detailed analysis made within this Officer Report, which concludes that 'on fair and reasonable planning balance' outline permission should be granted; as the next step in bringing this site forward for much needed housing development in a location that would greatly benefit from it - rather than directing all the development around Durham City. The new housing will support local services, bus routes and shops both in Fishburn and nearby - and provide jobs within the construction and support servicing whilst being built.

49. It is considered the plethora of specialist consultants' reports and beautiful indicative layout plans all support the case for approval.

50. The modest amount of objection comment is noted, however the Planning Committee will be well aware that 'you cannot make an omelette without breaking eggs' and that many, many factors have to be brought to bear in the difficult decisions they make. The planning conditions proposed will more than adequately ensure that any externalities, disbenefits and inconveniences are kept to the bare minimum possible.

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

51. 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, affordable housing, infrastructure, open space, impact on the character and appearance of the surrounding area, access and highway safety, impact on the amenity of adjacent residents and future occupants, ecology, flooding and drainage issues and other material considerations.

Principle of development

52. 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).

53. 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.
54. The application site is located outside of the residential framework of Fishburn, 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.
55. 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. 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 although Paragraph 14 of the NPPF makes it clear that there is a “presumption in favour of sustainable development.
56. Within the Durham County Council Settlement Study (2012) Fishburn is classified within the Tier 3 – Local Service Centre contains among other things a primary school, public house, post office, local shops, church, health surgery and community centre. In assessing the sustainability of the site, it is considered that it performs well and future residents would have the opportunity to access a range of facilities and services without the need to utilise the private motor car. Sustainable transport links are considered to be good. As such the Council’s sustainability officer has raised no objection to the locational sustainability of the site.
57. A development of this nature could therefore be acceptable in principle, subject to the acceptability of detailed matters considered below.

Affordable Housing

58. In order to widen the choice of high quality homes and opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. SBLP Policy H19 also encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as such under the policy which is also considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
59. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. The applicant has offered up 10% of the dwellings on an affordable basis to be secured by way of a planning obligation

secured through S106 of the Town and Country Planning Act 1990 to comply with the Policy requirement.

Infrastructure

60. 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 there are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development.

Open Space

61. SBLP Policies L1 and L2 sets out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. These Policies are considered consistent with Part 8 of the NPPF which promotes access to high quality open spaces and opportunities for sport and recreation. The applicant has indicated a willingness to enter into a S106 agreement to secure such provision in addition to a financial contribution towards play and recreational facilities at a pro-rata rate of £1,000 per residential unit.

Impact on the character and appearance of the surrounding area

62. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible and the incorporation of a public art feature can be secured by means of a planning condition.
63. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D5, D9 and E15 in this respect.
64. 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 areas of public open space/amenity land and landscape buffers through the scheme. It is acknowledged that the development of the site would cause some incursion into the countryside however there is the potential to better define the settlement edge. Overall it is considered that the development would have an appropriate relationship to the surrounding built environment. No objection is therefore raised by the design and conservation section.
65. The site lies on gently sloping land which falls down towards the C26 and comprises of arable farmland that it is bounded by hedgerows. It contains a mature ash tree in the north eastern corner and a small woodland belt to the southern boundary with Salvin Terrace. It does not form part of a designated landscape. The landscape officer recognises that the development would have some localised adverse landscape and visual effects but considers that it would be seen in close association with the existing settlement edge. The development would be relatively well contained

in wider views from lower ground as it would be partially screened by existing built development and landscaping features. It would be visible in more open views from the north but seen in association with the existing settlement. A suitable landscaping scheme retaining existing features on site would help mitigate against potential adverse impacts. Such matters would be progressed through the reserved matters application. It is therefore not considered that the development of the site would have a significant adverse visual impact on the surrounding landscape that would justify refusal of this application of landscape grounds. As such no objection is raised by the landscape section.

66. SBLP Policy D9 states that the Council will encourage the provision of artistic elements in development schemes. The NPPF is silent on public art although it seeks to ensure that development is well designed and responds to local character. This reflects the aims of the Local Plan and the policy is considered partially consistent with the NPPF and can be afforded some weight. As there have been no issues raised in relation to bringing the scheme forward with regards to viability it is considered that a condition can be imposed to secure this matter.

Access and Highway Safety

67. SBLP 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. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
68. Access is a reserved matter and detailed proposals would come forward at this stage. Options for creating a new vehicular access onto the C26 are outlined in the Transport Assessment. Colleagues in the highway authority have noted that these are deemed to be generally acceptable subject to the final details being agreed as a reserved matter. There is also the potential to create improved vehicular and pedestrian access for the occupiers of the adjacent properties by creating links off the new access road into the development. A series of general recommendations have been made to help inform any future reserved matters application. As such no highways objection is raised.
69. There are 2 recorded public footpaths, Fishburn Footpaths 10 & 12, affected by this application. Footpath no.12 extends through the field in roughly a west to east direction before following along the southern boundary of the site. Footpath no.10 runs in a north to south direction along the eastern boundary of the site and connects into footpath no.12 at its southern most point. It is likely that changes to these two footpaths will be required including improvement works. Such details would come forward at the reserved matters stage in association with the housing layout although Footpath 12 will likely require diversion from its existing route. Path diversions by legal order must be complete prior to any substantial development taking place. No objection has been raised by colleagues in the Public Rights of Way Section (and whilst the Ramblers Association were consulted no comments have been received).
70. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network or public rights of way., The details regarding highway access, layout, parking provision, accessibility and potential diversions to PROW's could be controlled in any future reserved matters application. The proposal is considered to be in compliance with the relevant local plan policies.

Impact on amenity of adjacent residents and future occupants

71. One of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. At a local level, policies D3 and H17 requires that satisfactory levels of amenity and privacy can be achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines between principal and non-principal elevations of neighbouring dwellings again in the interests of amenity and privacy (21m between facing principle elevations, 14m between principle and gable elevations). The local plan policies are considered to be in accordance with the intentions of the NPPF.
72. An indicative layout has been provided which demonstrates that 70 houses could be development on the site whilst providing sufficient parking provision, private and public amenity open space. In terms of the relationship between the proposed development and existing adjacent neighbours it is considered that a suitable layout could be provided to satisfy privacy distance requirements. No significant concerns are therefore raised at this stage and it is considered that acceptable arrangements could be agreed at reserved matters stage.
73. The provision of the new homes in relatively close proximity to existing residential properties also raises the potential for noise and disturbance to be an issue throughout the development phase. Colleagues in the environmental health section consider that the imposition of a construction management plan condition regulating working practices would be sufficient to mitigate the potential of a statutory nuisance and have no objection to the proposal subject to its inclusion.
74. Following a review of available information including the historic maps and the submitted Phase 1 desk top study the contaminated land section considered that more was needed to adequately risk assess the site. A number of points have been raised and these can be added as an informative. Notwithstanding this colleagues raised no objection to development subject to the imposition of a contaminated land condition.

Ecology

75. 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.
76. Having reviewed the addendum to the ecology report the Ecology Section is largely satisfied that the risk to protected species will be low. Subject to the mitigation measures outlined within the ecology report addendum being secured through a S106 legal agreement and imposition of the suggested sensitive lighting strategy conditions it is 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

77. 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.

78. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. Whilst initial concerns were raised by the drainage section regarding the lack of a drainage strategy this matter has since been resolved. Subject to securing the finer detail of the agreed approach at the reserved matters stage the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water also suggest that a conditional approach to managing surface water discharge be adopted.
79. In relation to foul water, it is proposed to connect to the existing sewerage network. Northumbrian Water advise that the application does not provide sufficient detail with regards to the management of foul and surface water from the development to enable them to assess their capacity to treat the flows from the development. On this basis they recommend that a foul and surface water drainage condition is imposed.
80. Subject to conditions to resolve the final surface and foul water disposal, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Other Issues

81. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The submitted geophysical survey identifies features of interest which need to be evaluated through trial trenching. This will be secured by planning condition.
82. 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. As such the development would be expected to embed sustainability and minimize carbon from construction and in-use emissions. This matter can be controlled by a planning condition.
83. Whilst a letter of support has been received from the Fishburn Parish Council 7 letters of objection have been received from local residents. Some of the concerns relate to detailed matters that will be progressed as part of any future reserved matters planning application. Concerns relating to loss of view and property devaluation are not material planning considerations. All of the other objection reasons have been addressed within this report. Whilst the concerns of local residents are noted it is not considered that they amount to reasons sufficient to justify refusal of the planning application.

The Planning Balance

84. 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.
85. 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 to be provided including affordable housing contribution. The scheme would provide areas of public open space and contributions towards children's play equipment.

86. It is acknowledged that the proposals would have some localised adverse landscape and visual effects. However these could be reduced through detailed design which would be progressed as part of any future reserved matters application.

CONCLUSION

87. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

88. 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 the provision of affordable homes. Whilst it is acknowledged there would be an incursion into the countryside it is not considered that this would have a significant adverse impact.

89. The concerns of neighbouring residents are noted however it is not considered any of the issues raised would be sufficient to justify refusal of the planning application.

90. On balance, it is considered that the benefits of the development significantly and demonstrably outweigh any potential adverse impacts. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for approval.

RECOMMENDATION

That the application be APPROVED subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following;

- 10% Affordable housing
- Securing on-site open space provision
- financial contributions towards play and recreational facilities at a pro-rata rate of £1,000 per residential unit Ecological mitigation

And subject to the following conditions;

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

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

2. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

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

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Location plan received 29/09/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan and the NPPF.

4. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence

Reason: To ensure that sustainability is fully embedded within the development as required by the NPPF.

5. Notwithstanding the details submitted, this permission relates to a maximum of 70 dwelling houses on the site.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in with policy D5 of the Sedgefield Borough Local Plan.

6. No development of the relevant phase approved by this permission (excluding, archaeological investigation or any land remediation/ground improvement) shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details. The submitted scheme should be based upon the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained.

The development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

7. Prior to the submission of reserved matters the applicant must secure the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);

ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);

iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

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

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

8. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

9. In view of the proximity of the proposed development to nearby residential premises the applicant shall prepare and submit a Construction Management Plan (CMP) to the local planning authority for approval. The CMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014

- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.

- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no working on a Sunday or Bank Holiday.

- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: To protect the residential amenity of existing and future residents from the development to comply with policy D5 of the Sedgefield Borough Local Plan and the National Planning Policy Framework.

10. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

11. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the artwork, maintenance schedule and timeframes for implementation. The scheme shall be undertaken in accordance with the approved details and timings thereafter.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgfield Borough Local Plan and Part 7 of the NPPF.

12. No development shall commence unless in accordance with the Addendum to the Ecology and Planning Statement by Valley Environmental Consulting received 26 January 2017.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Part 11 of the National Planning Policy Framework.

13. A lighting strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. The lighting shall be erected and maintained in accordance with the approved details.

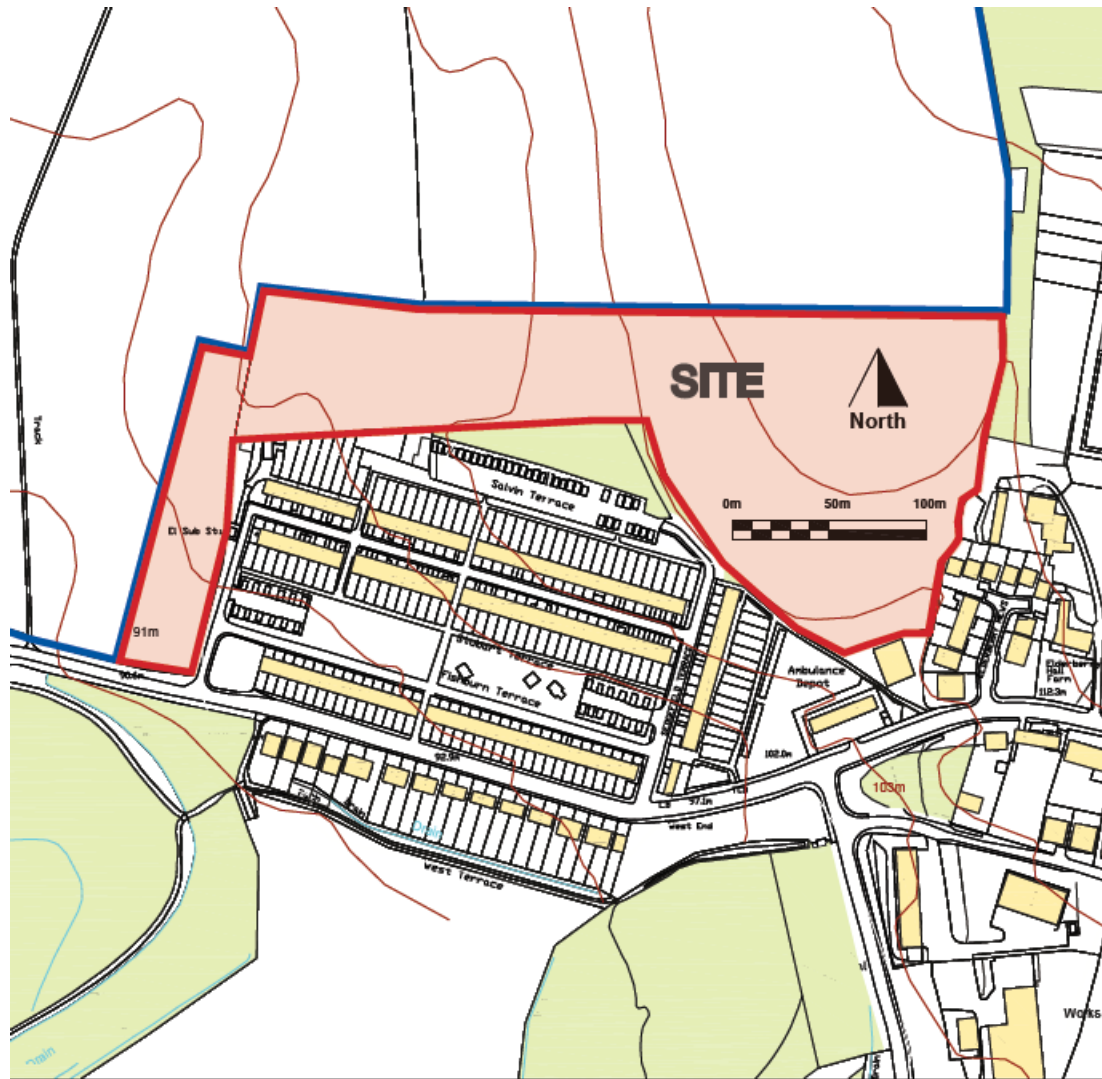
Reason: To ensure the preservation and enhancement of species protected by law in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the 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) 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 for residential development of up to 70 dwellinghouses with all matters reserved
Mr Gordon Hirst
Land to the North of Salvin Terrace, Fishburn,
Ref: DM/16/03151/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
 22nd June 2017

Scale
 Not to scale