



Area Planning Committee (Central and East)

Date **Tuesday 10 November 2020**

Time **9.30 am**

Venue **Remote Meeting - held via Microsoft Teams**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 13 October 2020 (Pages 3 - 28)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/20/02163/FPA - Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG (Pages 29 - 44)
Erection of a single storey dwelling.
 - b) DM/20/01124/FPA - Land to South of Flass Vale House, Ainsley Street, Durham, DH1 4BJ (Pages 45 - 58)
Retention of use of land for 2 car parking spaces.
 - c) DM/20/02195/FPA - Land North East of Grange Farm, Old Cassop, DH6 4QA (Pages 59 - 84)
Demolition of agricultural building and construction of 7no. holiday let units with associated car parking and landscaping.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
2 November 2020

To: **The Members of the Area Planning Committee (Central and East)**

Councillor J Clark (Chair)
Councillor A Laing (Vice-Chair)

Councillors D Brown, I Cochrane, K Corrigan, B Coult,
M Davinson, D Freeman, A Gardner, K Hawley, S Iveson,
R Manchester, J Robinson, J Shuttleworth and P Taylor

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held **remotely via Microsoft Teams** on **Tuesday 13 October 2020 at 9.30 am**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors J Blakey (substitute for I Cochrane), D Brown, K Corrigan, B Coult, M Davinson, D Freeman, K Hawley, S Iveson, A Laing (Vice-Chair), R Manchester, J Robinson and P Taylor

Also Present:

Councillors E Huntington, I McLean and R Ormerod.

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, I Cochrane, A Gardner and J Shuttleworth.

2 Substitute Members

Councillor J Blakey substituted for Councillor I Cochrane.

3 Minutes

The minutes of the meeting held on 8 September 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

4 Declarations of Interest

Councillor D Freeman noted in respect of Item 5a - DM/19/02199/FPA and DM/19/02200/LB - 21 Market Place, Durham, he was the Local Member and a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submission in objection to the applications.

The Chair, Councillor J Clark declared an interest in Item 5d - DM/20/01710/FPA - Garage block to the west of 12 Severn Close, Peterlee as a member of the Values Board of believe housing (the Applicant) and noted that she would leave the meeting during the consideration of that item.

5 Applications to be determined by the Area Planning Committee (Central and East)

a DM/19/02199/FPA and DM/19/02200/LB - 21 Market Place, Durham, DH1 3NJ

The Planning Officer, Leigh Dalby, gave a detailed presentation on the report relating to the abovementioned planning applications, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The applications were for planning permission and listed building consent for the erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor and were recommended for approval subject to conditions.

The Planning Officer, LD noted the application site was located within the market place in the centre of Durham and referred to aerial photographs and plan of the area. He noted there would be no alterations to the existing frontage or access points and that there were already a number of existing residential units within the building, with the application seeking to add additional units. He explained that there was an existing rear, 20th Century extension and derelict garage block, with redevelopment taking place under permission from a previous scheme to redevelop the rear and that development would serve to screen the application site. Members noted the view of the roofline as viewed from Millburngate Bridge and were referred to proposed layout plans.

In reference to statutory responses, the Planning Officer, LD noted that the City of Durham Parish Council had submitted objections to the applications, and while had been included within the public responses section of the report in error, rather than within the statutory responses, that error had not prejudiced their submission. He explained the City of Durham Parish Council submitted further objections to the application following the publication of the Committee report, with further detailed comments in relation to the County Durham Plan (CDP) and student accommodation policies.

The Planning Officer, LD noted no objections to the application from technical consultees, subject to appropriate conditions. In terms of public responses, he noted objections from the Durham World Heritage Centre Coordinator and the City of Durham Trust. He explained they related to the impact on the World Heritage Site (WHS) and the poor appearance of the design. It was added that a further submission had been received from the City of Durham Trust prior to the meeting, adding further details to their objections to the application, albeit not new grounds for objection, and they were not considered to have altered the Officer recommendation.

In relation to the principle of the design, it was noted the Council was in a transitional period in terms of the emerging CDP, with significant weight being able to be afforded to it, however, the saved Local Plans were noted as still being the starting point for consideration of planning applications. The Planning Officer, LD noted that City of Durham Local Plan policies H8 and H9 were relevant to the principle of whether student accommodation was acceptable in the proposed location, with policy H8 permitting the use of upper floors of commercial units, provided they do not have a detrimental impact on the function, use, character and appearance of an area, and with the extension being commensurate with the host building. He added it was felt that the proposed development was in line with this policy. It was noted that policy H9 related to houses in multiply occupation (HMOs) in the context of sub-division or conversion existing dwellings and permitted the use as HMO provided the use does not impact the amenity and character of the area. As the upper floors were already in use as an HMO it was not considered that policy H9 was wholly relevant, although it was not considered that the proposal would have a detrimental impact upon amenity or character and as such have been acceptable in terms of policy H9.

The Planning Officer, LD noted the Interim Policy on Student Accommodation was relevant, however, carried less weight than the saved policies within the City of Durham Local Plan, and had been given similar weight to supplementary planning documents in the past by Planning Inspectors. He added that records showed that 66.7 percent of properties within 100 metres of the application were student lets, greater than the 10 percent set out within the Interim Policy on Student Accommodation, however, as this was within the commercial heart of the city and was on the upper floor of a commercial unit, it was not felt that there would be fundamental or unacceptable impact from the proposals on the character of the surrounding area. He noted that, in light of various planning appeal decisions, Planning Inspectors had noted concentrations of 61.8 percent or above was deemed to be the level whereby an area was already imbalanced and therefore these figure was adopted by the Local Planning Authority as the upper threshold by which further student accommodation would not create further detrimental harm in line with point e) of the Interim Policy.

The Planning Officer, LD noted Officers were aware of the recent appeal decision where an Inspector dismissed an appeal where there was a figure of 68.9 percent student properties within 100 metres, however, the 61.8 percent threshold was accepted following numerous appeals decisions.

He added that the CDP was at an advanced stage and policies could therefore be afforded significant weight, with policy 16 being relevant in terms of student accommodation. He noted it was similar to the Interim Policy in terms of the 10 percent threshold, however, it had an upper threshold of 90 percent, together with situational based exemptions for proposals where commercial uses were prominent. The Planning Officer, LD noted that while figure was above the 10 percent threshold and lower than the 90 percent upper threshold, the property was in the commercial heart of the city and therefore policy 16 would support student accommodation proposals within the city centre where non-residential uses were dominant. He added that the proposals to upper floors above retail would not impact the amenity or character of the area and therefore was acceptable in line with policy 16.

In terms of the impact on designated and non-designated heritage assets, the Planning Officer, LD explained that these related to the WHS and listed building and were detailed within the Committee report, with policies E21, E22 and E23 of the draft City of Durham Local Plan, policy H2 of the City of Durham Neighbourhood Plan and policy 45 of the emerging CDP all noting that new developments require the proposals to reserve, sustain or enhance the heritage assets. He added that the Council's Design and Conservation Team had carefully considered the proposals and concluded the extension would not have a detrimental impact on the significance of the listed building nor harm the character, appearance of significance of the Conservation Area or the setting of the WHS and the adjacent assets.

The Planning Officer, LD noted the variation in design within the area and added that the proposals were not felt to be appear incongruent with the existing setting. He added that when viewed from Millburngate Bridge, the extension would not be visible due to the existing built environment and therefore would not have an impact upon the view towards the WHS.

In respect of the impact on residential development, the Planning Officer, LD explained it was not felt the proposals represented any detrimental impact due to separation distances and additionally there were no highway safety concerns. He noted that Ecology noted no objections subject to a condition relating to bats and all other issues could also be mitigated through condition. He concluded by noting that the proposals were felt to be in line the saved, interim and emerging policies, did not have a detrimental impact upon the WHS, Conservation Area or Listed Building and protected residential amenity of existing and future occupiers and therefore were recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Planning Officer, LD and noted that Parish Councillor Roger Cornwell, representing the City of Durham Parish Council, was in attendance to speak in objection to the applications.

Parish Councillor R Cornwell thanked the Chair and Committee and explained that it was a time of transition, with the CDP being considered by Cabinet tomorrow and noted that, barring something extraordinary, the CDP would be recommended for adoption to the full Council a week later. He noted that adoption would happen immediately and that from 21 October the CDP would be “the only game in town”. He added that the new Plan therefore had very considerable weight and Committee had to decide how much weight to give to it, and how much weight to give to the Saved Policies of the City of Durham Local Plan, which we would soon be bidding farewell to. He noted that fortunately both plans should, in the view of the Parish Council, lead Committee to the same conclusion, to refuse the two linked Planning Applications.

Parish Councillor R Cornwell noted there were two grounds for the Parish’s opposition: the level of student accommodation; and the impact on the WHS. He added that both the Interim Policy on Student Accommodation and CDP policy 16.3 agree in that a change of use to a student HMO would not be permitted if the percentage of properties benefiting from student exemption was more than 10 percent. He noted in this case the figure was 66.7 percent, almost spot on two-thirds. He added that both policies had an escape clause if the level of student properties was so high that the conversion of further properties would not cause any further harm, with the difference being that the Interim Policy did not put a figure on this and it had been left to a series of appeals where different Inspectors had allowed or disallowed various figures; with the new CDP setting it at 90 percent.

Parish Councillor R Cornwell noted surprise in reading the Officer’s report, with the sentence “*Inspectors have indicated that a concentration of 61.8 percent or above is deemed to be the point at which an area is already imbalanced*”. He noted Committee may well recall that it had considered that argument back in January in a case at 29 Lawson Terrace. In that instance the HMO percentage was 68.9 percent, slightly above that applying to the application before Members, and Committee refused that previous application. He added that Committee’s decision was upheld at appeal and in the current case, the HMO percentage was 66.7%, one-third of the relevant properties not let to students. He explained that the 29 properties at Clements Wharf, Back Silver Street, were between 50 and 75 metres from the application site and would be affected by the development. He noted the view of the Parish Council was you could not say that a site where one-third of the properties were not let to students was beyond saving.

Parish Councillor R Cornwell explained that Inspectors' decisions would vary according to the circumstances of individual cases and it was to counter that uncertainty that clause (h) of CDP policy quantifies the level at 90 percent. The reason for the modification required by the Inspector was "*To make the policy effective, by quantifying the point at which an exception to the 10 percent threshold can be considered alongside other factors in the policy*".

He noted that the Interim Policy had a standing less than that of the outgoing Local Plan and Planning Inspectors had said that its weight was akin to that of a Supplementary Planning Document. He added that the view of the Parish Council was that the certainty of the CDP, and the fact that its full adoption was only eight days away, outweighed the Interim Policy. He noted that the Committee's reason for refusal would be Policy 16.3 of the CDP, with two alternative approaches but with both leading to refusal.

In reference to the impact that the development would have on the WHS, Parish Councillor R Cornwell noted Mr Michael Hurlow would be speaking in objection and was a qualified Landscape Architect, a specialist in historic buildings and could speak better as regards those matters than he could. He concluded by noting the City of Durham Neighbourhood Plan had relevant policies to consider, including H1, H2, H4 and D6 adding as it had a decision notice issued it carried almost as much weight as if it had been to referendum.

The Chair thanked Parish Councillor R Cornwell and asked Councillor R Ormerod, Local Member, to speak in relation to the application.

Councillor R Ormerod thanked the Chair and Committee for the opportunity to speak and noted he had requested the application be considered by Committee some time ago. He added that he was glad that he had made the request as he felt it was right the issues were aired in public and that the issues that Parish Councillor R Cornwell had mentioned were heard. He noted his main concern related to the views of the WHS from Riverside Walk, noting he was very concerned as regards an adverse impact, having only recently got the riverside back for use by the people of Durham, providing a splendid place from which to view the WHS. He reiterated his concern that the applications would not improve that view and could quite possibly be detrimental to that view.

The Chair thanked Councillor R Ormerod and asked Mr Michael Hurlow, representing the City of Durham Trust to speak in objection to the application.

Mr M Hurlow thanked the Chair and Committee and noted he was a Trustee with the City of Durham Trust and was speaking in relation to the Trust's objection based on negative impact on the panoramic view of the WHS and Conservation Area and setting of a listed building. He added the Trust supported the Parish Council's objection relating to student accommodation.

Mr M Hurlow explained that the frontage and rear of the building already showed signs of poor maintenance, as evidenced from the photographs within the Officer's presentation, and had one of the worst shopfronts within the Market Place, being very discordant. He added the maintenance and painting of the rear and upper floors was not very good with two different sorts of discordant windows and therefore it was not showing very well at the present time. He explained that the condition of the rear area was an eyesore, and the approval for the lower development was granted in 2015 and the partial demolition of the garage had made the situation a lot worse and therefore there may be a long time with a clear view of the proposed development. He noted that the trees that currently soften the view were at threat due to their proximity to the series of retaining walls and terraces.

Mr M Hurlow explained that the buildings on historic streets often were double frontage with care taken of rear facades facing river, adding the two adjacent buildings show care in design with new extensions to Lloyds and WH Smiths being appropriate and well detailed, contrasting with the existing extension on the application building. He noted the existing extensions were very basic, with the Council's Design and Conservation Officer describing it as "*of limited interest that does not contribute in a particularly positive fashion*". He added that the Trust considered the extensions as being negative and felt that the Officer was struggling to justify something that was already poor.

Mr M Hurlow referred to the importance of the building, where it sat on the skyline, with the context of adjacent buildings within the panoramic views along the riverbanks and up to the WHS. He noted it was not yet apparent how that would be obscured or not from Back Silver Street, it already having a negative impact and with the relevant sections through and views not yet known. He added there were concerns as regards the WHS Statement of Outstanding Universal Value (SOUV) which dealt with integrity, authenticity and protection. He noted concerns from ICOMOS, advisers to UNESCO the organisation that looks after World Heritage Sites, in terms of the potential impact of development on the WHS in Durham and that the cumulative impact of smaller developments did add up and registered with other negative impacts.

Mr M Hurlow noted the proposed extension followed the same design style as the existing extension, which itself was considered to be poor.

He added this would be in an uncomfortable relationship in the skyline with the two adjacent, slightly better extensions. increasing its current negative impact. He noted the Trust felt it had no option other than to object and that objections were supported by failures against new CDP, Neighbourhood Plan policies, as well as previous Local Plan saved policies: CDP 45 and 46; Neighbourhood Plan S1, H1 and H2; and saved Local Plan policies E3, E6 and E21, E22 and E23. Mr M Hurlow concluded by noting that it was possible to imagine extensions adding positively, however it would need to be of considerable better design than the current proposals which were more typical of an extension to a smaller terrace property for student accommodation use.

The Chair thanked Mr Michael Hurlow and asked the Senior Committee Services Officer, Ian Croft to read out a statement on behalf of the applicant, Mr Terry Palmer, who was unable to attend Committee.

"The proposed extension provides more useable retail space for storage and welfare facilities, compared to the awkward series of small spaces contained within the upper floors of the building. The additional student accommodation is simply an extension to the current accommodation which covers all upper floors of the building."

"With regards to the objections raised regarding the negative impact on the World Heritage Site, we would point out that the site to the rear of Numbers 19-23 Market Place is the subject of a Planning Permission for a 53 bed, 5 storey Student accommodation block, which will completely obstruct any views to the rear extension to Number 21 Market Place".

The Chair thanked the Senior Committee Services Officer and asked the Planning Officer, LD to respond to the points raised by the speakers.

The Planning Officer, LD noted Councillor R Ormerod had referred to the time taken for the matter to come before Committee and explained that the requisite bat surveys had to be carried out over spring/summer period. He added that in response to points raised by Parish Councillor R Cornwell, paragraph 65 of the report set out the exemptions in terms of student accommodation, namely paragraph 5.170 of the support text to policy 16 of the CDP in respect of upper floors above retail properties. In respect of the comments from Mr M Hurlow, he noted works to the rear relating to the previously approved scheme had commenced and were being monitored in terms of compliance.

The Design and Conservation Officer, Lee Hall referred Members to the photograph of the rear of the property as viewed from Riverside Walk, as shown within the Case Officer's presentation.

He explained that having attended the area the view within the Officer's presentation was the only one in which the site could be viewed in relation to the WHS with a distance of around 115 metres between the application site and the WHS. He noted trees in between and a lot of existing built development. He added the application was within a dense area of back land development, mainly twentieth century, that cascaded down to the riverside. It was explained that the developments were fragmented and varied in terms of scale, massing, design and materials, albeit with some cohesive elements. The Design and Conservation Officer noted Mr M Hurlow's statement that some of the extensions were better than others. He added that within his original comments on the applications, while he had not stated that the existing extension was positive, he noted that did not mean it was particularly negative, rather he felt it sat more neutrally within the view. He added that therefore the proposals would increase the scale and massing, however, would not be an excessive increase and would not automatically draw undue attention or prominence to the extension within that view. He noted that, as Mr M Hurlow had stated, the form and design followed the existing design and therefore Officers' view was that it would have a neutral impact, conserving and maintaining significance and setting. The Design and Conservation Officer noted the photograph showed that even if the proposals represented an increase in scale they would not challenge or compete for attention with the cathedral or castle and would not look unsightly or detract from the public's visual experience of the WHS and therefore while the development would impact within its setting, it would not necessarily be a harmful impact. He concluded by noting that outstanding universal value was a key consideration, with the main one being the visual drama of the cathedral and castle and their relationship with the Framwelgate Bridge and the riverside, and that Officers did not feel that the proposal would harm that aspect of the outstanding universal value of the WHS.

The Chair thanked the Officers and asked the Committee for their comments and questions on the applications.

Councillor D Freeman noted he has some concerns in terms of the applications and agreed with comments in respect an existing poor quality extension with the proposals appearing to be adding to the poor quality, not seemingly being fit for Durham City and the WHS, which itself was more visible as a consequence of the now completed works at Riverside Walk. He added he felt the proposals would not enhance the conservation area and in many ways they were detrimental. He noted concerns as regards the trees to the rear of the property which were beneficial in screening the site, and their potential loss.

Councillor D Freeman explained he had not seen evidence that the new 55-bed student development, previously approved, was going to be build and noted it was possible the whole market for purpose-built student accommodation could collapse with the failure to attract foreign students in years to come to Durham University. He noted that the 10 percent threshold was clearly breached by the application and while the Council had a view of the 61.8 percent figure, a Government Inspector had decided that figure was not suitable for Durham as that figure was now replaced with 90 percent within the new CDP and therefore it was not sustainable for the Council to hide behind the 61.8 percent figure. He noted the recently upheld appeal as mentioned by speakers with a figure of 68.9 percent and therefore felt the Committee did have grounds to refuse the applications in terms of the Interim Policy on Student Accommodation. He added that in claiming the area was commercial did not imply that it did not matter in terms of residents and noted that there was a block of flats to the rear of the applications, Clements Wharf, and people did live there all year round, the area was not just all students. He explained that therefore it was as residential an area as anywhere else within the city and asked for comments from Planning Officers in terms of the weight that could be given to the Neighbourhood Plan in decision making for the Committee at today's meeting.

Councillor M Davinson asked for clarification as regards the trees mentioned by the speakers. He noted he had visited the site previously in connection with the other application mentioned and asked if the Officer could explain if there were any Tree Preservation Orders (TPOs) in place, where the trees were in relation to the application site and noted a more recent site visit may have been of some benefit to Committee, however, understandable in the current climate.

Councillor P Taylor noted he agreed with the comments from speakers as regards the application, adding he was disappointed to see the application and use of the phrase "*not necessarily of detrimental impact*" and added he wanted no detrimental impact and would want to see the city enhanced and improved by applications. He noted the quality of the view of the WHS and Conservation Area and felt it was not acceptable to permit anything that did not improve or enhance this.

The Planning Officer, LD noted that there were not TPOs in place, however, the trees were protected by virtue of being within the Conservation Area. He added that in granting permission, permission would be granted in terms of the removal of trees as identified to be removed on the plans. Councillor M Davinson asked whether the impact of the development on the roots of the trees had been taken into account.

The Planning Officer, LD noted the relevant parties had been consulted in terms of trees, however, as the trees would be removed a root protection area would not be required. He added colleagues from Ecology had not objected to the removal. The Area Team Leader (Central and East), Sarah Eldridge noted that the plans did not show trees and upon checking the application file, there were no trees identified within the application boundary and therefore no trees that would be influenced or affected by the proposed development. Councillor M Davinson noted some confusion as if there were no trees within the application site, why had speakers mentioned trees as being an issue.

Councillor J Blakey noted upon looking at the application she felt there would be a visual impact and she agreed with the comments of the City of Durham Trust that it would be of a poor quality and development should be highlighting what was within the city, not bringing it down.

The Chair asked if any Member wished to make a proposal in relation to the applications.

Councillor D Freeman moved that the applications be refused as they were contrary to the Interim Policy on Student Accommodation, being above the 10 percent threshold and also taking into account CDP policy 16 in terms of a 90 percent upper threshold. He added he felt the applications were also contrary to saved Local Plan policies E3, E6 and those relating to the Conservation Area, policies 16, 44 and 45 of the CDP and policies H1, H2, H4 and D6 of the city of Durham Neighbourhood Plan.

Councillor P Taylor noted he would second the refusal of the applications adding he felt they were also contrary to saved Local Plan policy H8, character and appearance of the city, noting we should be looking to improve and enhance and make the city look better, not detract with the same old bland facades which he felt would have a detrimental effect.

The Solicitor – Planning and Development noted he would ask the Senior Policy Officer – Spatial Policy, Zoe Lewin to speak as regards clarification in terms of policy, however, he would first note the differences in respect of the Interim Policy on Student Accommodation and policy 16 within the CDP. He explained the main difference brought to Members' attention was the 90 percent upper threshold within CDP policy 16, and with no specific percentage within the Interim Policy it was therefore a matter of judgement. He added that further to the 90 percent upper threshold, policy 16 of the CDP set out a separate exception in terms commercial use at the ground floor and use for student HMO on the above floors.

He noted that Officers felt that exception was in play and required consideration, rather than just the narrow consideration of whether the saturation point in terms of HMOs had been reached. The Solicitor – Planning and Development noted there was clearly an issue in terms of preserving the character of the heritage asset or not, this being subjective, however, it was the view of the Design and Conservation Officer that it was of neutral impact, though Members were free to take a different view. He added that he had noted the refusal reasons in relation to saved policies, however, he was not comfortable in terms of reliance upon policy 16 of the CDP, specifically criteria (h) as criteria (i) of the same policy would support the applications.

The Senior Policy Officer explained that criteria (i) of policy 16 of the CDP did have supporting text that further explained how that criteria would be applied: *"there are some instances where a high proportion of residential properties are exempt from Council Tax charges in a given area because there is a low proportional of other residential uses, and example of this would be in town centre location where other uses are dominant and a small number of Class N exemptions equate to a large proportion. In such circumstances an HMO use may be appropriate, for instance in an upstairs flat above a retail unit. Such an approach would not impact upon the character of residential areas or the amenity of residents"*. She noted that explained the relevance of criteria (i) in terms of determining the applications before Committee.

With reference to weight to be afforded to the City of Durham Neighbourhood Plan, the Senior Policy Officer noted that a Decision Statement was issued on 17 August 2020 confirming that the Plan could move to referendum, subject to the plan incorporating recommendations changes set down within the Examiner's report, and once restrictions relating to COVID 19 were lifted, currently no referendum could take place until May 2021. She added that Planning Policy Guidance had been recently adapted to take into account these restrictions where Local Planning Authorities had issued a Decision Statement detailing its intention to send a Neighbourhood Plan to referendum, noting significant weight could be given to a Neighbourhood Plan, in so far as material to the application. She added that the individual weight given to a part of a Neighbourhood Plan policy depended upon any changes required by the Examiner's recommendations, in accordance with paragraph 48 of the National Planning Policy Framework (NPPF) as explained within the Officer's report. The Senior Policy Officer noted that of the Neighbourhood Plan policies quoted, H4 and D2 could be given no weight at this point as the Inspector had requested that those policies be deleted from the Neighbourhood Plan. She reiterated that those issues had been set out within the Officer's report as part of the decision making.

The Chair asked if Councillors D Freeman and P Taylor wished to make any further comments in terms of their proposal for refusal of the applications.

Councillor P Taylor noted he felt it was an issue of interpretation of policy, and he felt that the application was in a city centre, not a village or hamlet, and residents of a city tended to move around and therefore residents of a city used the whole area of the city and therefore having more students with the area would be detrimental to residents' amenity. Councillor D Freeman agreed with the comments of Councillor P Taylor and noted residents at Clements Wharf were only metres away from the application site and he felt those residents would be detrimentally affected by the proposed development.

Councillor J Blakey noted she was going to second the proposal for refusal; however, Councillor P Taylor had spoken in support first. She added that in some cases it was good to have a mix of residents and students, though sometimes there was a need for residents to have some space.

The Chair asked the Solicitor – Planning and Development to take the vote. The Solicitor – Planning and Development noted that the proposal was for refusal of the applications, planning permission and listed building consent, noting the reason relating to the impact of HMO would be difficult to sustain in relation to the listed building consent and therefore asked if Committee agreed that would not be a reason to be included on the decision notice relating to the listed building application.

RESOLVED

That the applications be **REFUSED** as it was considered that the proposed extension would by virtue of its design, scale, and location appear as an incongruous feature that would detract from the setting of a listed building and have a significant detrimental impact on the nearby Heritage Assets resulting in less than substantial harm to a designated heritage asset with no public benefit to outweigh this harm. The proposals were therefore in conflict with Policies E3, E6, E22 and E23 of the City of Durham Local Plan, Emerging County Durham Plan policies 44 and 45, and draft City of Durham Neighbourhood Plan Policies H1 & H2 , Part 16 of the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

And in relation to DM/19/02199/FPA it was considered that the proposed development to create a further C4 HMO unit for student accommodation in an area which does not meet the community balance thresholds as set out in the emerging County Durham Plan and the Interim Policy on Student Accommodation; would therefore result in further imbalance in the community and have a detrimental impact on surrounding residential and visual amenity and character of the area in contravention of Policy H9 and H13 of the City of Durham Local Plan, the Interim Policy on Student Accommodation, emerging Policy 16 of the County Durham Plan and paragraph 127 (f) of the National Planning Policy Framework.

Councillor J Robinson left the meeting at 10.45am

The Chair noted technical difficulties and would therefore suspend the meeting at 10.50am. The Meeting resumed at 11.08am with the Chair noting, as a consequence of the difficulties, application 5c would be taken as the next item.

c DM/20/02018/FPA - Saanen Lodge, Haswell, DH6 2EE

The Planning Officer, Jennifer Jennings, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the conversion of existing garage buildings (or demolished and replaced with) to a single dwelling covering the existing footprint and an extension to the east and was recommended for refusal.

The Planning Officer, JJ noted the applicant had agreed that the windows on the existing dwelling, Saanen Lodge, which would have been affected by the development could be obscure glazed and it was added that Officers agreed that could be achieved through condition.

Members were referred to site plan and aerial photographs and were asked to note the application site being separate and in poor relationship with the settlement, being within the countryside. The Committee were asked to note as regards tree cover that would be retained, the track to be used for access, and existing garage buildings on the site. Proposed elevations and site layout plans were shown, noting a two storey dwelling.

In respect of statutory responses, the Planning Officer, JJ noted no objections from Northumbrian Water Limited and the Council's Highway Section, with the latter noting conditions relating to improved surfacing, access widening and a bin collection area storage. She added that Spatial Policy had objected as the development was within the countryside and noted the application should be determined in line with the policies within the emerging CDP. She noted the Tree Officer had noted no objections, with the arboricultural report being considered satisfactory, though tree protection measures were proposed and would be conditioned. It was added there were no objections from the Contaminated Land section, Nuisance Action Team or County Archaeologist.

The Planning Officer, JJ noted the Public rights of Way (PROW) Team had noted that one access was also used as a PROW and supported the requirement for surface improvements requested by highways. She added that the Ecology section required that the recommendations within the Ecology and the Bat Reports were conditioned, with a Bat Licence being required to be secured before development proceeded.

The Committee were informed that there had been four letters of support received, noting supporting comments that included that the development: was well planned and well designed and would add to the small community of dwellings in the area; would support businesses in the village; would bring much needed investment in the village; was in close proximity to public transport and community centre and other services.

The Planning Officer, JJ noted the application would be considered under Paragraph 11 of the NPPF, with the emerging policies in the CDP carrying significant weight and therefore must be considered as part of the planning balance. She added the area had some sustainability merits, with a reasonable amount of services available, however, the proposal would not accord with emerging policy 10 relating to development in the countryside. She explained that the proposal would represent adverse harm to the character of that part of the countryside, through substantial and disproportionate works to the garage building to create the dwelling. She noted that benefits of the development included: limited boost to housing supply; limited uplift in economic expenditure resulting from development; and some sustainability merits due to a small range of services and a regular bus service. The Planning Officer, JJ noted the adverse impacts were considered to be: adverse harm to the character of that part of the countryside through substantial and disproportionate works to the garage building to create the dwelling; and the extent of works proposed would be contrary to emerging policy 10 of the CDP. She concluded by explaining that therefore, on balance, it was determined that the adverse effects resulting from policy conflict outweighed the benefits and refusal was recommended.

The Chair thanked the Planning Officer, JJ and asked Councillor E Huntington, Local Member, to speak in relation to the Application.

Councillor E Huntington thanked the Chair and Committee and noted she strongly supported the application which she believed would have a positive effect in terms of the economy of the county whilst also providing a new, high quality, accessible bungalow in a sustainable location. She added that she was glad to see that the Authority had agreed that the proposed development was within a sustainable location, given the range of services and facilities available within Haswell that would meet the needs of future occupants.

She noted the main housing area of Haswell was only a short distance away from the site and convenient access could be achieved by foot or bicycle and local bus services provided access to nearby large towns. Councillor E Huntington noted that several residential schemes had received planning approval within Haswell over the last few years, within vicinity of the site. She added that the four letters of support, three from immediate neighbours, stated the positive benefits of the proposal in terms of supporting local services and improving the character and appearance of the site.

Councillor E Huntington explained that there had been no objections from local people as they saw the proposal as benefit. She noted while the Officer noted the scale of the development was not appropriate, the garage that it would be replacing was substantial in size, two double garages with high pitched roofs, being two-storey in height and having been used for the storage of waste before the current owner purchased the property.

Councillor E Huntington noted the dwelling proposed provided much needed additional bungalow provision within the County and would be comparable in size to the existing bungalow, Saanen Lodge. She explained that the design was of high quality, with access for those with mobility issues and the development would add to the housing supply at a time where the economy had been plunged into depression. She noted that the local area needed jobs and such small scale developments provided opportunities for local trades people and while the report stated only minor economic uplift in this regard, many minor uplifts across many such small developments would build up. She implored the Committee to support the development, noting the site was within a sustainable location and with an Inspector's decision and other successful applications supporting this, the building not being isolated, rather located within a cluster of buildings. She reiterated the boost to the housing supply, the guaranteed additional spend in the area and opportunities for local trades people to work and asked Members to approve the application.

The Planning Officer, JJ noted the proposals represented a two storey dwelling, not a bungalow.

The Chair thanked Councillor E Huntington and asked Ms Claire Hattam, agent for the applicant, to speak in support of the application.

Ms C Hattam thanked the Chair and Committee and noted that the location of the proposed development had been agreed as being at a sustainable location by the Officer's report and independent Inspectors at comparable sites through appeals decisions as well as by other residential development in and around Haswell that had been approved in recent years.

She noted that the Officer's report highlighted the level of services available within Haswell and local bus services and acceptability in terms of sustainability and highlighted that there were no objections from several statutory consultees, subject to conditions, conditions the applicant was willing to accept.

Ms C Hattam noted the primary reason for refusal was the scale of the proposed dormer bungalow in comparison to the existing redundant garage structures on site, and she added that the Officer had considered that to be harmful to the character and appearance of the area.

She explained that the applicant believed this assessment to be inaccurate as it did not take into account the size of the existing structures being substantial in size, two double garages with steep pitched roofs with a first floor mezzanine level for additional storage space. She noted the existing buildings were not single storey structures as noted in paragraph 70 of the Officer's report. Ms C Hattam noted the photograph in the Case Officer's presentation did not show the scale of the host dwelling by comparison and added that as such, while the proposed alterations were substantial, that did not mean the new dormer bungalow would have an adverse impact as a direct consequence. She added that the new dwelling would be comparable in terms of mass and height to the host dwelling, Saanen Lodge, and it was the applicant's intention to create a harmonious and high quality designed accessible home, the Authority conceding within its presentation that it would be a high quality designed property.

Ms C Hattam noted the area was designated as a landscape improvement priority area by the Council demonstrating the quality of the surrounding landscape was not currently as high as other parts of the county and was in need of enhancement. She explained that the proposed development supported that policy approach by removing unused structures and surrounding overgrown scrub vegetation on site. She added it was understood that policy 10 of the emerging CDP would allow for conversion of existing buildings within the countryside, however, it was felt the current proposals presented a greater opportunity to create a better quality accessible home for future occupants. She noted that conversion of the existing garages would not present such an opportunity, however, the applicant noted that could provide a legitimate fallback position, as acknowledged by the Case Officer.

Ms C Hattam noted that the second refusal reason as set out within the Officer's report noted residential amenity of the occupants of Saanen Lodge given the proximity of its windows on the eastern elevation to the blank elevation of the proposed bungalow. She reiterated that prior to Committee, the applicant had confirmed that the window closest to the proposed bungalow served an office and already comprised of obscure glazing.

She noted the furthest window on the eastern elevation of Saanen Lodge served a living room, which also benefited from bi-fold doors on the southern elevation. She added that given the location and orientation of the proposed bungalow, it was also unlikely that this window would face the blank side elevation of the proposed bungalow. In terms of the remaining window on that elevation of Saanen Lodge, Ms C Hattam noted this served a utility room and as the applicant was the owner of Saanen Lodge, they had the scope to frost the window, replace with a high level window or remove the window if deemed necessary. She noted the verbal update from the Case Officer confirming that if Committee were willing to approve the application, they would be willing to accept the condition.

Ms C Hattam reiterated that the proposal for a detached dormer bungalow would not result in adverse impact on residential amenity, surrounding landscape, protected species or character and appearance of the area and represented a sustainable development with good access to services and facilities, with a scale comparable to the adjacent property and smaller in mass than several of the surrounding properties. She concluded by sincerely asking Committee to approve the proposed development.

The Chair thanked Ms C Hattam and asked the Planning Officer, JJ to speak in response to the points raised by the speakers.

The Planning Officer, JJ noted the main contention was conflict with CDP policy 10, with the existing garage representing a footprint of 220 square metres, with the proposals having a ground floor of 264 square metres and a first floor of 144 square metres, the total being approximately double that existing and therefore disproportionate and significant addition to the building currently on site.

The Chair thanked the Planning Officer, JJ and asked the Committee for their comments and questions on the application.

Councillor P Taylor noted he was always intrigued how each side of an argument would frame their comments and thanked the Local Member for her very good presentation, a credit to her community. He added that, however, he must look at planning policy and he was quite shocked by the scale and massing of the proposed dwelling and agreed with the Officer that it was inappropriate and did not comply with policy 10 of the emerging CDP and saved policy 35 of the Easington Local Plan and therefore he would propose refusal in line with the Officer's recommendation.

Councillor A Laing noted she agreed with the Local Member, Councillor E Huntington, and felt very strongly in supporting these types of small, high quality developments that supported local communities, as well as contributing to the Council's housing supply.

She added that she felt the proposal was of an extremely high quality design with the added bonus of being accessible for those with disabilities or mobility issues. She noted that there had been no opposition from members of the public and she felt it was a good development, especially in the uncertain economic times, had to be seen as a huge contribution to local communities and the county housing supply and therefore she proposed the application be approved.

The Chair noted proposals for refusal and approval and asked for further comments and any support for those proposals from Members.

Councillor D Freeman noted the proposals looked very nice from the plans, however, as Councillor P Taylor had stated it was disproportionate in size to the site and while he was generally in support of such conversion applications, the proposal did not represent a conversion, being approximately twice the size and was way beyond redevelopment and therefore he seconded the refusal of the application.

Councillor D Brown noted he had listened to the debate and looked at the site photographs and noted he did not think the existing buildings looked particularly tidy and while the proposals were not small, he felt they enhanced the area and he would support approval of the application.

The Chair noted that approval reasons would need to be cited at the appropriate juncture, however, the proposal for refusal had been moved and seconded first and therefore this would be voted upon first by Members of the Committee. Upon a vote being taken it was:

RESOLVED

That the application be **REFUSED** as:

1. In applying the requirements of paragraph 11 of the NPPF the adverse impacts of the proposal to erect a dwelling at the site would significantly and demonstrably outweigh the benefits. In particular, the development, by reason of its position detached and separate from the existing form of development, would detract from the form and character of the existing settlement, whilst also eroding the open countryside area and wider landscape setting, to the detriment of visual amenity contrary to policies 3 and 35 of the Easington District Local Plan and paragraph 127 of the NPPF and emerging policies 6 and 10 of the County Durham Plan.

2. The adverse impacts of the development with regards to residential amenity were considered to significantly and demonstrably outweigh the benefits of the development when considered in the context of paragraph 11 of the NPPF. Specifically, the proposal would fail to achieve adequate distancing standards with the existing adjacent dwelling, resulting in unsatisfactory levels of amenity for existing occupiers, contrary to the aims of policy 35 of the Easington Local Plan, Residential Amenities Standards SPD (2020) and paragraphs 124 and 127 of the NPPF.

Councillor M Davinson left the meeting at 11.40am

The Chair noted as the technical difficulties had been resolved, application 5b would be the next item for consideration.

b DM/20/01580/FPA - Land to the south of Culloden Terrace, Grants Houses

The Planning Officer, JJ, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of one detached 3-bed bungalow (resubmission) and was recommended for refusal.

The Planning Officer, JJ noted the location plan and aerial photographs, setting out the extent of the application area and referred to adjacent land owned by the applicant which contained a number of agricultural buildings and a mobile caravan providing day facilities, which had permission approved in February this year. She noted the proposed location for development clearly read as undeveloped land and was outside of the settlement limits of Grants Houses and was within a countryside setting. She referred Members to a number of site photos, proposed access for bins and proposed elevations for the new bungalow and explained as regards a revised north elevation to remove a bedroom window and the inclusion of obscured glazing to a bathroom window.

In terms of consultation, the Planning Officer, JJ explained there had been no objections from Northumbrian Water Limited subject to a surface water drainage plan and the Highways Section offered no objections. She added that Spatial Policy objected as the proposal represented development outside of the settlement boundary and in the open countryside. She added a condition would be required in terms of contaminated land and there had been no objections from the Nuisance Action Team.

Members were asked to note that the Archaeology section required a condition relating to a watching brief in relation to remains of a World War II Camp and the Ecology section confirmed that a financial contribution was required due to the location of the development close to protected coastal habitats. The Planning Officer, JJ explained this would be a sum of £756.61 to be secured through a Section 106 Agreement. She added that mitigation would need to be provided against habitat loss as a result of the development and the Ecology section had noted a condition was required to confirm the programme of works to be undertaken.

The Planning Officer, JJ six letters of support received with points raised including: the proposals make good use of land; residents were pleased with the efforts the applicant had made with the land and agree with the addition of a bungalow on it; and that the development would be a nice addition to a barren field and would add security at this part of Grants Houses.

The Planning Officer, JJ noted the application would be considered under Paragraph 11 of the NPPF, with the emerging policies in the CDP carrying significant weight and therefore must be considered as part of the planning balance. She added the site was in the countryside, with no local services, the nearest being 1.3 kilometres away, albeit with a regular bus service that passed the site, therefore offering some minor sustainability merits. She added the proposal would not accord with emerging policies 6 and 10 relating to development on unallocated site and sites within the countryside. She explained that the proposal would represent adverse visual and landscape impact.

She noted that benefits of the development included: limited boost to housing supply; limited uplift in economic expenditure resulting from development; and some very minor sustainability merits due to the regular bus service. The Planning Officer, JJ noted the adverse impacts were considered to be: the development would detract from the existing form and character of the settlement; it would allow the urban form to intrude into, and erode, the open space at the edge of the settlement, having a suburbanising effect and resulting in an unacceptable encroachment into the open countryside; and that the works proposed would be contrary to emerging policies 6 and 10 of the CDP. She concluded by explaining that therefore, on balance, it was determined that the adverse effects outweighed the benefits and the application was recommended for refusal.

The Chair thanked the Planning Officer, JJ and asked Councillor I McLean, Local Member to speak in relation to the application.

Councillor I McLean thanked the Chair and noted he was Local Member for the Horden Division, which included Grants Houses. He explained that the applicant was a very respected member of the village, a businessman with all of his businesses operating to the highest standards. He added that the photographs within the Officer's presentation were not particularly flattering of the applicant's development at the adjacent location and noted that those developments had been carried out to a very high standard, attested by all those that had visited the site. He added the access track was more like a road, being constructed of concrete. He explained he supported the application and noted there was no opposition to the application, in fact there were several letters of support from residents. He noted he has spoken to some residents and they were very supportive of the application.

Councillor I McLean noted the applicant had developed the area over a number of years, the adjacent site containing several greenhouses that were used by the local Mencap as a community garden, and he felt it appeared the applicant was moving in the right direction in terms of developing the site.

He added that proposed bungalow was three bedroom, was modest in scale and in terms of the proposal eroding the open countryside he noted that he disagreed with Officers as the development was within 15 metres of the nearest residential property so was not encroaching into open countryside in his opinion. Councillor I McLean explained that it was alluded to by the Officer that there was some sustainability merits and he agreed, and he reiterated that there was a large number of people from the village that supported the application and therefore he would support the application.

The Chair thanked Councillor I McLean and asked Mr Barry Milburn, speaking as agent on behalf of the applicant, to address the Committee.

Mr B Milburn noted that the reasons for refusal appeared to be two-fold, with the first being set out in the report as "*the development would detract from the form and character of the existing settlement, by reason of its position, detached and separate from the existing form of development*". He noted that it was originally intended to position the bungalow closer to the existing buildings, however, power lines, as visible within the Officer's presentation, meant that had not been possible with a requirement to maintain a 6 metre safe working distance from the power lines. Mr B Milburn noted he felt a precedent had been established several years ago by the approval of detached three-bed dormer bungalow and double garage on 500 square metre plot, just off the northern tip of Angus Terrace, a location only one or two streets away from the application site separate from the existing terraced properties.

He added that in terms of the second reason for refusal, that the proposals would erode the open countryside and wider landscape setting, he felt that while the proposals were 11 metres south of the current settlement boundary as set out in the current Easington Local Plan, the NPPF adopted a more permissive approach. Mr B Milburn explained that this had been taken into account for other applications that had been recommended for approval where an application was considered to be sustainable. He added that he felt that the application site was sustainable by virtue of the availability of good local amenities at Easington Colliery and Horden, a walk or short bus journey away with links to larger towns such as Sunderland, Hartlepool or Durham. He reminded Members of the recently opened train station at Horden and added that it was felt the proposed dwelling would be part of the existing settlement by virtue of its location, close to existing housing.

The Chair thanked Mr B Milburn and asked the Committee for their comments and questions.

Councillor A Laing noted that the application was for a bungalow that was not very big and represented a high quality development that would benefit the local community and wider housing supply. She noted the site was sustainable and had good accessibility, with a regular bus service and shops and facilities available at two neighbouring locations. Councillor A Laing noted the amendments made by the applicant to meet residential amenity standards and as the site was sustainable and received local support from residents, she proposed that the application be approved.

Councillor J Blakey seconded the proposal for approval.

Councillor D Freeman noted he supported the Officer's recommendation for refusal as the site was outside of the settlement boundary and would adversely impact the area and set a precedent in terms of such development and proposed the application be refused.

Councillor B Coulthard seconded the proposal for refusal, noting it was in line with the policies within the emerging CDP.

The Chair noted the proposal for approval had been moved and seconded first and therefore this would be voted upon first by Members of the Committee. The Solicitor – Planning and Development noted that in terms of the vote for approval, it would need to be subject to the usual suite of conditions and Section 106 Agreement in relation to Ecology, to be drafted by the Officer and agreed by the Chair and Vice-Chair. Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to a suite of conditions and suitable Section 106 Legal Agreement, the details of which to be delegated to the Planning Officer, in consultation with the Chair and Vice-Chair of the Committee.

Councillor J Clark left the meeting at 12.07am

Councillor A Laing in the Chair

- d DM/20/01710/FPA - Garage block to the west of 12 Severn Close, Peterlee, SR8 1JU**

The Planning Officer, JJ, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the conversion of existing garages to form 2 no. bungalows and was recommended for approval subject to conditions and a Section 106 Legal Agreement.

The Planning Officer, JJ referred to the site plans and photographs and explained the two proposed bungalows would be for affordable rent. In terms of consultation responses, she noted that Northumbrian Water Limited had confirmed a public sewer crossed the site, however, they would work with developer to establish location and ensure any necessary diversion or relocation was undertaken as required. She noted that the Highway Section had confirmed the three parking spaces for use by the development and improvements to the turning head were acceptable. She added Highways had identified that the works would displace on street parking that currently took place at the application site, however, sufficient capacity was available just beyond the site and therefore they offered no objections to the application.

The Planning Officer, JJ noted there was support from the Council's Housing Development Team for additional affordable housing units and in reference to paragraph 87 of the Committee report and noted that the Contaminated Land section did not require a condition to be attached in relation to the application. She explained that the Nuisance Action Team raised no objections to the proposals and the Ecology Team had confirmed that a financial contribution was required due to the location of the development close to protected coastal habitats, in the sum of £756.61 per dwelling to be secured through a Section 106 agreement should permission be granted.

The Planning Officer, JJ referred to six letters of objection to the application citing reasons including: detrimental impact on parking in the area which was already hugely problematic for local residents; concerns over loss of garages; concerns over the construction phase and impact on parking and neighbouring residents; and concern over appearance of the buildings not being in keeping with existing buildings. She added one letter of support had been received stating the garages were not well used, were an eyesore and encouraged anti-social behaviour and that the proposals would bring much needed housing to the area.

The Planning Officer, JJ noted the application would be considered under Paragraph 11 of the NPPF, with the emerging policies in the CDP carrying significant weight and therefore must be considered as part of the planning balance. She noted the benefits were the site was highly sustainable, and the development would improve the character and design of the area. She added that there were issues in terms of separation distances in respect of the internal courtyard, however, it was felt that it was acceptable and would offer passive security for elderly residents. She reiterated the issues in terms of displacement of parking and explained that providing substitute parking would be cost prohibitive and would not be in scale with the development. She concluded by noting Officers felt the benefits of the scheme outweighed the adverse impacts and therefore the application was recommended for approval.

The Chair noted no registered speakers and asked the Committee for their comments and questions.

Councillor J Blakey proposed the scheme be approved as per the recommendations within the report, adding there was a desperate need for more bungalows of this type adding such conversion of garages would be welcomed in her Electoral Division.

Councillor P Taylor seconded the proposal for approval, noting the scheme was very good and would make the site look considerably better and while there would be a loss of parking, the proposed development greatly outweighed that loss.

RESOLVED

That the application be **APPROVED** subject to the conditions and Section 106 Legal Agreement as set out within the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/02163/FPA
FULL APPLICATION DESCRIPTION:	Erection of a single storey dwelling
NAME OF APPLICANT:	Chantelle Morrison
ADDRESS:	Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	John Russell (Senior Policy Officer) Tel: 03000 263 428 Email: john.russell@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of an area of greenfield land approximately 1,815.60 square metres located within the green belt off Pittington Road, Rainton Gate, Houghton-le-Spring. The site lies behind and on the very edge of a sporadic group of houses fronting along Pittington Road. The site in question has detailed planning history including enquiries for various uses and refusal for full planning permission for a detached bungalow, which was also dismissed at appeal by the Planning Inspectorate in 1997.
2. The application site falls outside of existing defined settlement boundaries within the County Durham Plan. Therefore, as this site is outside of existing defined settlement boundaries it would be classed as development in the open countryside. This is in addition to the site being located within the Durham City Green Belt. The Durham City Green Belt was designated in the County Structure Plan Review (adopted 1999) with boundaries established in 2004 through the Durham City Plan (adopted 2004). Policy 20 in the County Durham Plan defines the Green Belt boundary on the proposals map and sets out policy restrictions.
3. The existing housing development in effect forms ribbon/linear development. The closest property to the application site, The Rowans, was constructed in the late 1960's early 1970's, prior to the establishment of the Green Belt. The application site is not considered to be infill development and furthermore it is not considered that the existing houses constitute a defined settlement.
4. Access to the site is taken via a short length of private track which connects to Pittington Road. On completing the site visit it was noted that works creating an access off Pittington Road had been completed with tarmacadam. It was further noted that a form of temporary accommodation was situated at the northern edge of the site and has not received any planning consent.

The Proposal

5. Planning permission is sought for the erection of a single storey dwelling located within the Green Belt. The dwelling is proposed to be constructed in red facing brick, interlocking concrete tiles, double glazed UPVC windows, composite doors and gravel finished driveway. The proposed dwelling will contain 3 bedrooms, one with en-suite, and a family bathroom.
6. National Policy states that exceptional circumstances must be demonstrated for inappropriate development to be approved in the Green Belt, no details regarding exceptional circumstances have been provided. The Design and Access statement states that the site has previously been developed. Furthermore, the statement assumes that the proposal is in compliance with the NPPF due to it being previously developed land at paragraph 145 (g) relating to Green Belt exceptions. Whilst the site has a detailed planning history as identified below, planning history below shows that no approvals for development have been granted, Therefore, it is incorrect to assume that the land has been previously developed in accordance with the Town and Country Planning Act.
7. The application is reported to Planning Committee at the request of Councillor Hall who wishes to support the application and to allow the committee to be given the opportunity to consider the full context and suitability of the application in relation to this modest family home in keeping with its residential setting on that street.

PLANNING HISTORY

8. A planning application (4/96/00265/OUT) for the erection of bungalow (outline) was refused 25th June 1996 and a subsequent appeal dismissed by the Planning Inspectorate on the 20th May 1997
9. A planning application (4/03/00798/OUT) for an outline application for residential development comprising one dwelling was refused 30th September 2003.
10. A planning application (DM/14/02682/FPA) was submitted for the erection of stable block and laying of hardstanding to create yard and was subsequently withdrawn on the 4th March 2015.
11. A planning application (DM/15/02099/FPA) was submitted for change of use of land to equestrian and block of stables (2 stables and tack room) (description amended 26/08/2015) which was a resubmission of DM/14/02682/FPA and was refused 1st September 2015.
12. A certificate of lawful existing use (DM/16/01952/CLU) was submitted for equestrian use exceeding 10 year use and was refused 27th February 2017.

PLANNING POLICY

NATIONAL POLICY

13. 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.

14. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
16. *NPPF Part 9 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.
17. *NPPF Part 12 Achieving Well Designed Places:* 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.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment:* Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

19. The County Durham Plan (CDP) was adopted by Full Council on the 21st October 2020. The following policies of the CDP are considered relevant to the determination of this application.
20. Policy 6 (Development on Unallocated Sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration
21. Policy 10 (Development in the Countryside) will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development and infrastructure development such as: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity. All development to be of design and scale suitable to intended use.

22. Policy 20 (Green Belt) Development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out a number of exceptions: buildings for agriculture and forestry; appropriate facilities for outdoor sport, outdoor recreation and for cemeteries; proportionate extensions or alterations of a building; replacement buildings which are not materially larger; limited infilling and limited affordable housing for community needs and partial or complete redevelopment of previously developed land which do not have a greater impact on openness. The NPPF also sets out other forms of development which may not be inappropriate in the Green Belt including mineral extraction; engineering operations and transport infrastructure.
23. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
24. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
25. Policy 31(Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
26. Policy 35 (Water Management) states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal.
27. Policy 36 (Water Infrastructure) requires consideration of development proposals to a hierarchy of drainage options that must be considered and discounted for foul water are (in the following order): connection to the public sewer; package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption or septic tank (which must drain into an appropriate soak away and not discharge directly into a watercourse). Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.

28. Policy 39 (Landscape) advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
29. Policy 40 (Trees, Woodlands and Hedges) advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
30. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Northumbrian Water Limited offer no objection to the application and provides advice for dealing with surface water drainage.

INTERNAL CONSULTEE RESPONSES:

32. Spatial Policy highlight various national and local policies that are relevant to the proposal and provide an update on the progress of the County Durham Plan. The response concludes that in terms of national guidance as set out in the NPPF a dwelling in this Green Belt location would impact on the openness of the Green Belt, it would be inappropriate development and would be by definition harmful to the Green Belt. Such development should not be approved except in very special circumstances.
33. Landscape officer confirms that the site is located within the Greenbelt and that an area identified in the Durham Local Plan as an Area of High Landscape Value (AHLV) touches the tip of the southern boundary. It is also worth noting that the County Durham Plan Local Landscape Designations Review (2019) identified the area directly to the west of the site as suitable for inclusion in a proposed Area of Higher Landscape Value (AHerLV) in the County Durham Plan. In addition, the site is not readily visible from any nearby public vantage points although would be glimpsed from Pittington Road to the east (with increased visibility from the carpark associated with Homer Hill Farm Shop). Mature vegetation along its western boundary and southern tip effectively screen views of the site from the A690.

A dwelling in this location would not be visually intrusive however the proposal would be sited within the countryside, on agricultural land and outside any defined settlement boundary. Whilst located to the south and west of previous ribbon/linear residential development, which is suburban in character, a residential dwelling on this site would encroach on the countryside and further erode the rural character and openness of the greenbelt in this location. I leave others to determine if there is sufficient justification to construction of a new building in this location within the Green Belt. The proposal would not have an unacceptable adverse impact upon the landscape quality or appearance of the adjacent AHLV / AHerLV.

34. Highways have confirmed that the applicant has added provision for bin storage close to the access/public highway which was recommended as part of the pre-application advice and have no objections.
35. Design and Conservation highlight that the team was not consulted on the proposal at pre-application stage due to the lack of any detailed plans. It is noted that the applicant was advised that the principle of development would not be supported given its location in the green belt. The additional information submitted does not justify a new dwelling in this location and in relation to design would result in a new dwelling of simple design with little architectural merit.
36. Environmental Health (contaminated land team) has confirmed that the site is not located in a coalfield high risk development area, however, it is recommended drilling to assess the risks for potential workings with the High Main Seam. In addition, the officer agrees with the risk assessment and the requirement for a phase 2 site investigation. Ground gas monitoring is required regardless of the findings of the rotary drilling. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions stating no development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. Furthermore, remediation works shall be carried out in accordance with an approved remediation strategy and the development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.
37. Environmental Health (nuisance action team) has confirmed that based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. However, to protect future occupiers from nearby noise sources, consideration should be given to ensuring the following noise levels are achieved:
 - 35dB LAeq 16hr bedrooms and living room during the daytime (0700 - 2300)
 - 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
 - 45 dB LAmax in bedrooms during the night-time
 - 55dB LAeq 16hr in outdoor living areas
38. Environmental Health (air quality) has confirmed that a screening assessment is not required and raises no objection.
39. Trees have confirmed that arboricultural report submitted was inadequate for the proposed development and requested an appropriate tree survey, arboricultural impact assessment, tree protection plan and arboricultural method statement, all of which must comply with BS 5837 2012. The council's Tree Officer has subsequently confirmed that the report supplied is satisfactory and complies with current standards. One tree will be removed, this is classed as "U" therefore will need to be removed despite development. All other trees have been found to be in good health and will be retained.

40. Ecology have raised no objection to the proposal.
41. Drainage has confirmed that the proposal is not of a classification that requires consultation with the LLFA regarding surface water management.

PUBLIC RESPONSES:

42. The application has been publicised by way of site notice and notification letters sent to neighbouring properties. No representations have been received.

APPLICANT'S STATEMENT:

43. My name is Thomas Patrick Ward my family consists of my wife Chantelle and my 3 children.
44. I have lived in the West Rainton/Pittington area all my life; my parents and brothers also live in the West Rainton area. At present we are living in a small caravan which you can imagine is small and cramped for my family, while we go through this planning application. My children attend school in West Rainton, and all my family support is in this area so this makes it vital to remain in this area.
45. I am a professional Boxer rising the ranks for a world title shot in the very near future, I use this to help the youths of today, to give them determination and drive to achieve great things by being a great role model for them within the community.
46. I will be taking boxing classes twice a week in the community working with Durham area youth to engage with children and give back to the community I love and feel at home at.
47. Lately, using my own initiative and passion for my local community, I have done many charity events to help raise spirits of residents, and raise funds for local charities that operate within the locality I live. I have done events such as a run with a Durham County Council neighbourhood warden and a 30-mile walk from Wolsingham to West Rainton to raise funds for the local youth project and the NHS. During the COVID-19 pandemic I donated large amount of food to Durham Area Youth and other charities to support families that are unable to go out due to isolation. I also bought and delivered food to local hospitals and front-line services to ensure their staff were fed and looked after through their long shifts.
48. Now onto the application consideration. Firstly, I would like to take this time to thank you for accepting this application review.
49. I own a plot of land Tianna Lane in Low Pittington which I have owned for almost 10 years, in which I bought with the understanding and vision of being to create and build my perfect family home in a community that I have been born and raised in, and a village I call home.
50. Before I started the application process, I approached all homeowners surrounding my plot of land to see if they had any objections or issues with me building my home on this land. I have had the upmost support from them, and no one objected to me being a part of their community and would much prefer a home built on the land instead unused land that attracts young people hanging around causing anti-social behaviour and fly tipping.

51. I submitted my application following all the correct procedures and have paid for everything required to help my application be granted. I do hope this will support my application to be
52. processed and I am able to build a home for my family and stay part of a well-established community that I feel very passionate about and will continue to support my community in every way I can.
53. I understand the remaining consideration is the green belt on my land, but taking into consideration that all the other builds which have taken place have had planning permission granted and my plot of land is the last remaining plot of land surrounded by residential properties.
54. I feel that my application does not have any detrimental effect to the countryside and is innkeeping with the rest of the residential properties.
55. If planning is granted, I will keep within the build styles so that my build blends in with other residential properties and will only maintain the standard of build within Low Pittington.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, the impact upon design and visual amenity and the impact of the development upon residential amenity.

Current Use of the Site

57. The Design and Access statement states that the site has previously been developed, however, as the planning history search highlights that there have been numerous attempts since 1996 to get a form of development on site, all have been unsuccessful in achieving consent. Indeed, during the site visit it was observed that a caravan/mobile home was situated on the site. The stationing of a caravan/mobile home on agricultural land for purposes ancillary to the agricultural use of land in some cases might not constitute a material change of use of the land and as such does not require planning permission. However, this is based on the use of the caravan being ancillary to the agricultural use of the site. In this case, the caravan/mobile home is a large static type and is likely to constitute development, however that is a separate enforcement matter which is outside the scope of the current application.

Principle of Development

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.

59. The site is a greenfield site located with the Durham City Green Belt. The site is viewed as being located outside on the settlement, behind an existing property which was constructed before the Green Belt boundaries were established and is part of a sporadic group of houses fronting along Pittington Road. The site is accessed by a lane off Pittington Road which appeared to have been recently tarmacadamed when the site visit was carried out.
60. The application site is not considered to be infill development and it is not considered that the existing houses constitute a defined settlement. In this regard, the application site falls outside of existing defined settlement boundaries within the CDP. As this site is outside of existing defined settlement boundaries it would be classed as development in the open countryside as per CDP policy 10.
61. The proposal relates to the erection of a single storey dwelling located within the Green Belt. The dwelling is proposed to be constructed in red facing brick, interlocking concrete tiles, double glazed UPVC windows, composite doors and gravel finished driveway. The proposed dwelling will contain 3 bedrooms, one with en-suite, and a family bathroom.
62. Policy 10 (Development in the Countryside) deals with proposals for development outside settlement limits and states that planning permission should only be granted in the countryside outside of settlement boundaries where it relates to specified exceptions. The creation of a residential dwelling is not an exception within this policy and the objectives of the policy are to direct new development to the most sustainable locations and safeguard the countryside, and as this site lies outside of defined development limits, the proposal is contrary to the development plan in this regard.
63. The applicant has not provided any justification for the dwelling in the countryside, other than that they are seeking to find a permanent home and that the family is currently being accommodated by a relative who lives near the site of the proposed dwelling and that the children go to a local school not far from the application site. Whilst these are naturally important issues for the applicant, and whilst the applicant's personal circumstances is a material planning consideration, it is not considered to be of such weight as to outweigh the conflict with policy identified.

Green Belt

64. This site is located within the Green Belt. Policy 20 (Green Belt) states that proposals will be determined in accordance with national planning policy. In this case the NPPF is the starting point and it is clear at paragraph 133 that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 134 five purposes of Green Belt are listed, and it is considered that this proposal is contrary to 134 (c) which states that the Green Belt will assist in safeguarding the countryside from encroachment.
65. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A number of exceptions are specified, including buildings for agriculture or forestry; facilities for outdoor sport, recreation, cemeteries etc.; extension or alteration of a building; replacement of a building; limited infilling in villages; limited affordable housing for identified community needs; and redevelopment of previously developed land. The construction of new a residential dwelling as proposed is considered to be inappropriate development as it does not qualify under any of the exemptions.

It is not a building for agriculture or forestry. Furthermore, it is not considered that the proposal accords with NPPF paragraph 145 (e) which permits limited infilling in villages as it has already been determined that the proposal is outside settlement limits and would not constitute or meet the requirements as being limited infilling.

66. It should be noted that NPPF paragraph 145 (d) states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would be permissible. This is in addition to NPPF para 145 (g) which also considers that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is acceptable. These paragraphs within the NPPF are particularly important as the application references that the site is 'previously developed land' in their supporting statement. In this regard it is considered that the previous coal and rail related uses they have identified (as shown on historic mapping) has long since ceased and the site can now be considered as a greenfield site. The NPPF, in defining previously developed land, specifically excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
67. On the basis of the above it is considered that proposal is contrary to Policy 20 of the County Durham Plan and the NPPF Section 13 (Protecting Green Belt land).

Applicants have been given the opportunity to demonstrate very special circumstances or why the proposed development is not inappropriate development within the Green Belt. The application and supporting information does not include any reference to very special circumstances or how the proposal relates to exemptions from the definition of inappropriate development listed within the NPPF. The information submitted does make reference to specific personal circumstances, however, these would not be considered to be sufficient to clearly outweigh the greenbelt harm by reason of inappropriateness and the lack of very special circumstances.

Impact upon the Character and Appearance of the Surrounding Area

68. Policy 29 (Sustainable Design) is concerned with layout and design of new development and requires that development to make a positive contribution to the area and character. This is considered to be in accordance with the aims of paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
69. As a consequence, the proposed dwelling, being located behind the existing row of sporadic dwellings, would not relate well to the established built form, and is viewed as an incongruent addition to the existing landscape to the detriment of visual amenity and contrary to the aims of Policy 29 and paragraph 127 of the NPPF, which together seek to ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting
70. In addition, as the application site is located within the countryside and beyond the residential framework of any town or village. Whilst there is a sporadic group of housing fronting Pittington Road, it is nevertheless viewed in the context of the open countryside and green belt. The proposal is in conflict with Policy 10 and the NPPF as the potential application site is not infilling within a small gap between existing buildings.

71. The application does not contain any evidence to support that the dwelling is needed as a rural workers dwelling. Paragraph 79 of the NPPF includes a definition of a rural worker, rather than simply agricultural and forestry workers, for whom a new dwelling can be deemed acceptable provided that specific policy tests are met. As a result new homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside (which the applicant does not appear to be claiming in this instance as evidenced by the lack of information in this regard) or the exceptional quality or innovative design of the dwelling is truly outstanding or innovative, reflect the highest standards in architecture, significantly enhance its immediate setting and is sensitive to the defining characteristics of the local area. The council's Design and Conservation officer has confirmed that design would result in a simple dwelling with limited architectural merit. None of these special circumstances in paragraph 79 of the NPPF would therefore apply.
72. The proposal is also considered to be contrary to Policy 31(Amenity and Pollution) which states that development will be only permitted where it can be demonstrated that there will be no unacceptable impact on the natural environment. Given that the proposal is in the countryside, by definition there is an automatic impact on the natural environment through visual impact and erosion of the open countryside and the Green Belt.
73. Whilst the applicant considers the site to be previously developed, satellite imagery shows a site well covered by vegetation for approximately the last 20 years and this is confirmed by the planning history for the site. The site is not therefore considered to be previously developed. As a result, the erection of a dwelling within the open countryside is considered to be harmful and further erode the rural character of the wider area.

Impact upon Residential Amenity

74. As identified above the proposed dwelling would be located behind an existing row of dwellings. Whilst the proposal would not relate well to the established built form and is viewed as an incongruous addition to the existing landscape, it is unlikely to impact upon the current levels of residential amenity enjoyed by neighbouring properties once constructed. Following the site visit, the site appears to be well screened apart from the western elevation where it would be possible to view from the adjacent farm shop car park.
75. The council's Environmental Health officer has not raised any concerns and has suggested a range of noise levels be achieved in certain rooms of the property to assist with the potential for any noise related issues.

Sustainability

76. The site is not located within a settlement and is by definition in the open countryside and the Green Belt. It is worthwhile noting that a previous appeal for a nearby site (APP/X1355/W/18/3215186 Fieldhouse Farm, Pittington Road, Rainton Gate) was dismissed as a result of that proposal causing harm to the character and appearance of the area and providing poor access to facilities and services, as a result of which it would not promote sustainable transport.
77. In determining if the site is sustainable, a principal factor is the location in relation to access to public transport, services, shops, schools and other facilities. In the above appeal the Planning Inspector advised that Rainton Gate can be considered as a 'village with access to more facilities', since there are shops and other services in nearby settlements, but not Rainton Gate itself.

78. Therefore, it is considered that the occupiers of the proposed dwelling would need to rely heavily on the use of private car for their day to day needs. As a result, it is concluded the proposal would be contrary to Policy 21 (Delivering Sustainable Transport) which seeks to minimise the need for the use of private car as the only or main source of transport.

Contaminated Land

79. Paragraph 178 of the NPPF requires planning decisions to ensure that sites are suitable for any new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
80. The Council's Contaminated Land Section advises that approval would need to be subject to further a phase 2 site investigation and ground gas monitoring is required regardless of the findings of the rotary drilling. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions stating no development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority would be required, if planning permission is granted.
81. Furthermore, the council's Environmental Health officer has advised that a further condition would be required which states remediation works should be carried out in accordance with an approved remediation strategy and the development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Parking, Access and Highway Safety

82. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport and to comply with the council's approved Parking and Accessibility Supplementary Planning Document. This approach is considered to display a broad level of accordance with the aims of paragraph 109 of the NPPF which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
83. The application proposes an access from Pittington Road which appeared to have already been constructed when the site visit was completed. The council's Highways Officer has been consulted on the proposal and has raised no objections.

Other Matters

Drainage

84. Policies 35 and 36 require new development to include satisfactory arrangements for disposing foul and surface water discharges. In this regard it is noted that the application proposes the discharge of surface water to existing water course and foul water would be discharged to a septic tank. These are viewed as being compliant with the above policies. In addition, the council's Drainage officer confirmed that the proposal is not of a classification that requires consultation with the LLFA regarding surface water management.

85. Northumbrian Water have also been consulted on the proposal have advised that they actively promote sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

86. It is therefore considered that the proposal provides adequate provision for the disposal of foul and surface water in accordance with the aims of policies 35 and 36 of the CDP.

Landscape and Ecology

87. The council's Landscape officer has confirmed that the site is located within the Green Belt and as already discussed in this report above. However, the Landscape Officer has stated that whilst the site is located to the south and west of previous ribbon/linear residential development, which is suburban in character, a residential dwelling on this site would encroach on the countryside and further erode the rural character and openness of the Green Belt. Therefore, as a result this further confirms that the proposal is contrary to both local policy within the County Durham Plan and national policy within the NPPF location

88. Furthermore, it is noted that an area identified as Area of High Landscape Value (AHLV) touches the tip of the southern boundary of the development site. It is also worth noting that the County Durham Plan Local Landscape Designations Review (2019) identified the area directly to the west of the site as suitable for inclusion in a proposed Area of Higher Landscape Value (AHerLV) in the CDP. Therefore, the proposal is not considered to be contrary of these elements of Policy 39 and the Landscape Officer has confirmed that the proposal would not have an unacceptable adverse impact upon the landscape quality or appearance of the adjacent AHLV / AHerLV.

89. Despite the above, it is considered that site is not readily visible from any nearby public vantage points although would be glimpsed from Pittington Road to the east (with increased visibility from the carpark associated with Homer Hill Farm Shop). Mature vegetation along its western boundary and southern tip effectively screen views of the site from the A690. A dwelling in this location would not be visually intrusive however the proposal would be sited within the countryside, on agricultural land and outside any defined settlement boundary.

90. The council's Ecology officer has not raised any objection to the proposal. Similarly, the council's Tree Officer has confirmed that providing protective fencing is constructed as described within the Tree Survey report, the trees should be adequately protected throughout development. As a result, the proposal is considered to be compliant with policies 40 and 41 of the CDP.

91. It is concluded that the proposal would appear as an incongruous addition in the wider landscape and erode the rural character and appearance of the area. As a consequence, the proposal would result in a significant and incongruent addition in the surrounding landscape and as such has a significant detrimental impact upon visual amenity and the landscape character of the surrounding area.

Greenfield/Brownfield

92. Whilst the applicant considers the site of application to represent the redevelopment of a brownfield, however, no evidence has been submitted to support any authorised development taking place on the site. Therefore, it is concluded that the site does not meet the definition contained within the NPPF Annex 2 and can therefore, not be considered as previously developed land.

Greenbelt Policy Test

93. The application and supporting information as presented fail to demonstrate very special circumstances which is required by Policy 20 and paragraph 145 of the NPPF. As a result, the proposal is considered to be inappropriate development within the Green Belt and therefore by definition is harmful. Additional harm arises due to the impact on the open countryside and sustainability. The benefits of the proposal are restricted to a modest boost to housing supply and a temporary contribution to the local economy through provision of jobs during the construction phase of development. Both can be afforded limited weight in determination of this application and in particular the contribution to housing supply is notably reduced now the Council is able to demonstrate a housing land supply in excess of 5 years.
94. The application refers to the personal circumstances of the applicant and their family, stating that they are currently living in a caravan and require permanent accommodation. Whilst this is a factor in the balancing of the application, it is insufficient to outweigh harm due to the inappropriateness of development within the Green Belt. The NPPF and Policy 20 is clear that proposals in the Green Belt must balance the harm and this must be clearly outweighed by very special circumstances, therefore, in this case, the identified harm is significant and the benefits are not sufficient to clearly outweigh and therefore, the application must be refused.

CONCLUSION

95. The development, by reason of its location within the Green Belt and open countryside would constitute inappropriate development and would be an incongruous feature that would erode the rural character and appearance of the immediate area and would also be considered to be in an unsustainable location where occupiers would be heavily reliant on private transport to access a range of facilities without the demonstration of any very special circumstances which would clearly outweigh this greenbelt and other harm. As such it would be unacceptable and contrary to local (CDP Policies 10, 20, 21 and 31) and national planning policy (NPPF Section 13 and paragraph 145).

RECOMMENDATION

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

1. The development, by reason of its location would constitute inappropriate development within the Green Belt without the demonstration of any very special circumstances and would be an incongruous feature in the open countryside that would erode the rural character and appearance of the immediate area contrary to Policies 10, 20, 21 and 31 of the County Durham Plan and nation planning policy (NPPF Section 13 and paragraph 145).
2. The development would provide poor access to facilities and services, as a result of which it would not promote sustainable transport and future occupiers would be heavily reliant upon trips by private vehicles, contrary to Policies 21 and 29 of the County Durham Plan and Part 9 of the NPPF (Promoting Sustainable Transport).

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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

BACKGROUND PAPERS

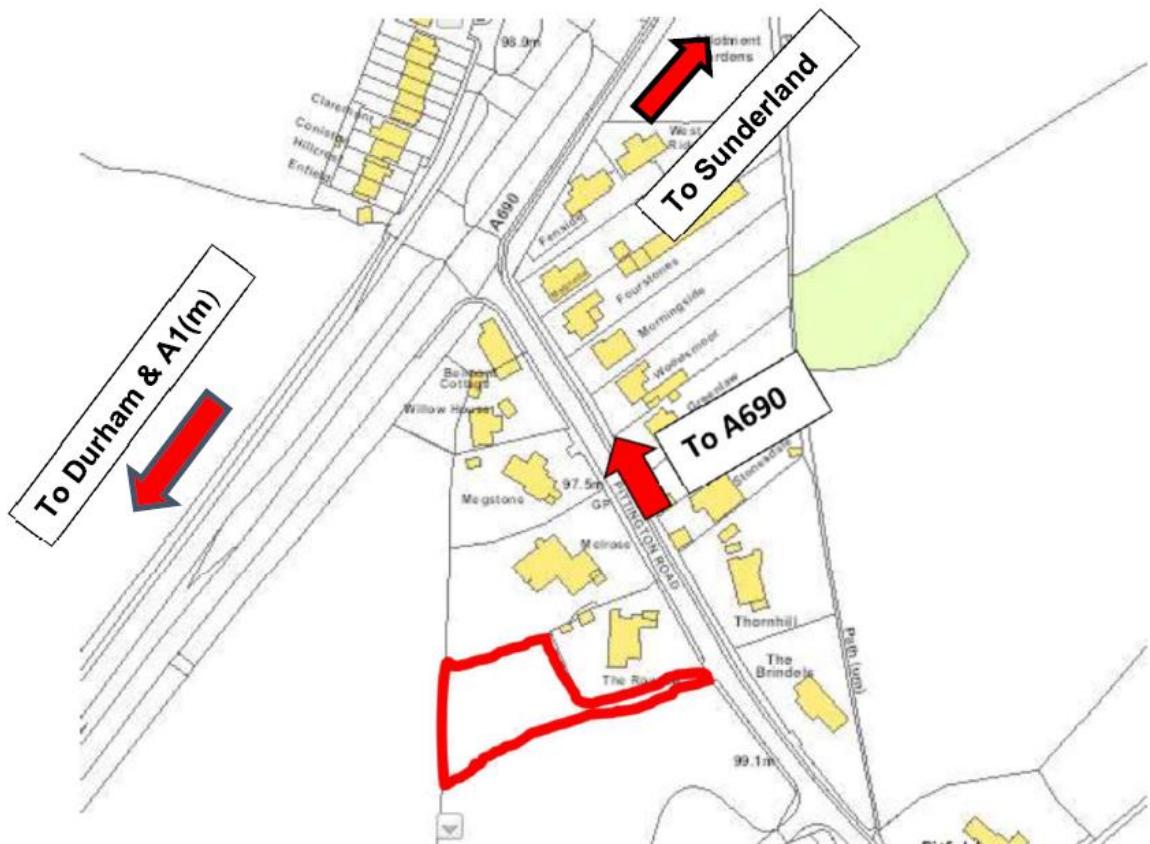
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2019)

National Planning Practice Guidance Notes

County Durham Plan (Adopted 2020) – subject to adoption by Full Council

Statutory, internal and public consultation responses



 Planning Services	Erection of a single storey dwelling at Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG	
<p>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</p>	Comments	
	Date 28 th October 2020	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01124/FPA
FULL APPLICATION DESCRIPTION:	Retention of use of land for 2 car parking spaces.
NAME OF APPLICANT:	3R Ainsley Street Ltd
ADDRESS:	Land To South Of Flass Vale House Ainsley Street Durham DH1 4BJ
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Lisa Morina Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an area of land which is located within Ainsley Street which is within the City Centre and the Durham City Conservation Area. The area of land sits at the edge of a cul-de-sac location.
2. The status of the land is unclear and will be discussed further in the report however, an established historic route exists in this area.

The Proposal:

3. Retrospective consent is sought in this instance as the area of land has been altered to provide two parking spaces.
4. Gravel has been used for the surface of the site and a small fence has been erected around the area.
5. The application is referred to the Committee at the request of the City of Durham Parish Council and Councillor Brown given the negative impacts on the conservation area and the impact on a historic route.

PLANNING HISTORY

6. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
9. NPPF Part 12 Achieving Well-Designed Places - 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.
10. NPPF Part 15 Conserving and Enhancing the Natural Environment - 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.
11. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

12. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

County Durham Plan

13. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.

14. Policy 22 (Durham City Sustainable Transport) seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area
15. Policy 29 - Sustainable Design requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.;
16. Policy 31 - Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
17. Policy 26 – Green Infrastructure sets out that development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.
18. Policy 44 - Historic Environment seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets
19. Policy 45 - Durham Castle and Cathedral World Heritage Site seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site.

LOCAL NEIGHBOURHOOD PLAN POLICY:

City of Durham Neighbourhood Plan

20. Policy S1: Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions
21. Policy H2: The Conservation Areas states that development proposals within or affecting the setting of the Durham City Conservation Area should sustain and enhance its special interest and significance as identified within the Conservation Area Appraisals.
22. Policy H4: Heritage Assets states that Development proposals affecting heritage assets should demonstrate an understanding of the significance of the asset and give details of how the development proposal will impact on the asset and, where relevant, its setting. Any harm to designated assets should require clear and convincing justification.

23. Policy G1: Protecting and Enhancing Green Infrastructure Protect states development proposals should maximise opportunities to connect to the network of footpaths, public rights of way and bridle paths in Our Neighbourhoods.
24. Policy T1: Sustainable Transport Accessibility and Design states that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
25. Policy T2: Residential Car Parking states that Development proposals incorporating or having an impact on car parking will be supported if they comply with relevant criteria.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Highways – No objection
27. Northumbrian Water – No comments to make

INTERNAL CONSULTEE RESPONSES:

28. Design and Conservation – The proposal would have a neutral impact.
29. Public Rights Of Way – Objects to the proposal.

PUBLIC RESPONSES:

30. The application has been advertised by means of site notice, press notice and by notifying neighbouring residents by letter. To date, 13 letters of objection have been received including objections from the City of Durham Parish Council and a ward Councillor for the area. The following comments have been received:
 - Degradation/Destruction of a historic route-
 - Choice of materials
 - The Durham Conservation Area Appraisal talks at length about appropriate materials and the importance of retaining trees and vegetation and providing appropriate planting. None of these have been included.
 - Contrary to the Conservation Appraisal
 - Impact on listed buildings.
 - Impact on the Conservation Area
 - The developers do not own the site and have no right to the land.
 - It appears that at least half of the already established car park is within the curtilage of the DMA estate and no contact with the DMA has been sought and therefore has been illegally sequestered.
 - The pathway along the curtilage of the estate forms a wayleave to DMA property from Flass Vale and the adjoining streets. It is also an access to the Flass Well which, sited on DMA land, is one of the seven Holy wells of Durham City. Any obstruction to these routes and destinations should be carefully considered.
 - The DMA would be grateful if planning permission was refused for this car park.

- The existing public footpath has been narrowed and diverted by the parking bays: it now looks crooked.
- Use of such a historic route is a way of enjoying and connecting with the history of the area. The parking bays impinge upon this enjoyment.
- Two new local sources of pollution will be introduced.
- In their original planning permission the developers themselves accepted only 10 parking spaces were necessary, on grounds of environmental sustainability.
- Reducing carbon emissions is more important than ever. Two additional parking bays are therefore inconsistent.
- The community already had a plan to improve the amenity and biodiversity of the land, and to restore the nearby well which had agreement from PROW team this should be prioritised over the application.
- Contrary to the Heritage Statement submitted by the applicant the appearance of the two parking bays is in fact quite striking, and they do impact on the surroundings, including on views to and from the adjacent listed Miners' Hall.
- Plans to better manage the woodland around the Hall will in time probably increase the visibility of the area on which the parking bays currently sit.
- The Parking bays would destroy this section of the historic route.
- The Parking bays block access via Flass Lane necessary for the tree work planned as part of the restoration and for the repair and maintenance of Flass Well.
- The construction of the parking bays shows a cynical disregard for the expressed concerns of local people regarding the history of their area and their desire for improvements
- The process by which developers have built on this land - first to accommodate a skip and then to claim retention of land so as to construct the parking bays, and only then seeking Planning permission manipulates the Planning Procedure.
- The proposal is in direct contravention of City of Durham Saved Policy T21 which says that the Council will seek to safeguard the needs of walkers by ensuring that existing footpaths and public rights of way are protected...
- This policy has its equivalent in the new County Durham Plan - Policy 27 therefore, protecting the public right of way.
- The site is a public highway and remains that to this day.
- An application under S247 of the Town and County Planning Act to stop up the highway will be necessary, and this has not been lodged as far as we know;
- Any such application will be resisted
- The remaining width is not adequate for pedestrians; and the full width of the highway is needed for maintenance vehicles.
- Given climate change, air pollution and DCCs hope to be carbon neutral by 2050 surely it would be folly to encourage more cars onto Durham's roads.
- According to some authorities this land is part of the Neville's Cross Battlefield site and would thus be protected by Saved Policy E25.
- Impact on listed building.
- County Council management of the maintenance of the steep steps from Flass Lane up to Red Hills as part of the continuation of the right of way. This path is used regularly by school children as part of their physical education.
- Maintenance of the main drain which runs the length of Flass Lane (under the parking bays)

- Maintenance of the properties abutting Flass Lane object to these bays on health and safety grounds. If the developer wishes to put in extra parking (although that in itself is contentious) the materials used should be in keeping with the surroundings. The back streets in this area originally had a surface of granite cobs or stone cobbles (not block paving). The incongruous fencing which impedes the passage of residents using the footpath should be removed and any policing to ensure that only residents use the parking area and do not block access for pedestrians should take place via a parking enforcement firm.
- The development is inappropriate intrusion into the conservation area
- It is not clear how, given that the applicant does not own the land, they persuaded the developer of the Village@The Viaduct to pay them for the use of the land.
- The character of the Conservation Area was impacted by the unauthorised use of the highway, to such an extent that the Crossgate Community Partnership complained to the Highways Authority and secured the removal of the container. It would be a retrograde step to authorise this continued blight
- The developers state that they have taken all steps to find the owner however, they have not approached anyone within the nearby vicinity.
- The proposal is a badly thought out and designed application which adds nothing to this part of the City and should therefore be refused

APPLICANT'S STATEMENT:

31. The application seeks retrospective approval for two car parking spaces on land previously used by the applicant and their predecessor in title to the adjacent land and building now known as Flass Vale House.
32. Documentary evidence for the beneficial use of the land as vehicle parking and 'portakabintype' accommodation dating back to 2002 is provided in the Heritage Statement including an existing dropped kerb that provided vehicle access on to the site however the title of the land is unregistered.
33. The applicant completed Certificate D, as required by the T&CP (Development Management Procedure) (England) Order 2015 and the application was advertised in the Northern Echo. In response to the advert the applicant received a letter and supporting documents from the Clerk to City of Durham Parish Council suggesting the site was part of a highway in the ownership of the highways authority, Durham County Council.
34. The evidence was presented to the applicant's solicitor who found the Council's records do not show the area in question to form part of the adopted highway and although the land may have historically belonged to the Surveyors of Highways for the Township of Crossgate and the Mayor Aldermen and Citizens of the City of Durham the evidence was not sufficient to establish actual legal ownership of the land.
35. Consultee comments from the Public Rights Of Way officer confirmed that there was no public right of way along the route nor was it shown as part of the adopted highway. The PROW Officer did however consider the land to be part of the highway and required a stopping up order under the Highways Act 1980.
36. The applicant took the advice of a planning barrister who found that the Council had not discharged the burden on them of establishing that the site is highway land and this was not a justifiable reason to refuse permission. The barrister's Opinion was forwarded to the Case Officer for consideration.

37. The existing unmaintained path that extends from Ainsley Street to Flass Street (via steps) and provides access to Mowbray Street (again via steps) is a well-trodden path through an area overgrown with trees and vegetation and is not diverted by the application. The route, which has been formed by years of pedestrian use, is unaffected although the applicant did provide some woodland bark to improve the muddy section alongside the car spaces.

38. The two car spaces have been formed in a method that protects the surrounding tree roots and improves the appearance of an area that had been used by the applicant for many years and by others for fly-parking.

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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 impact on the visual amenity of the area including the conservation area in which the property is located, residential amenity issues, PROW/highways issues as well as any other issues.

Visual impact of the development on the conservation area/surrounding listed buildings

40. The area of land in question is an area of open space located within the Durham City Conservation Area which is also in close proximity to some listed buildings and non designated heritage assets and would be clearly visible to the main public domain.

41. The National Planning Policy Framework in Part 16 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 12 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.

42. At a local level Policy 29, 44 and 45 of the County Durham Plan are also considered to be relevant. These policies state that proposals should achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset and achieve well designed buildings and places.

43. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

44. Objections have been raised that the proposal would have a detrimental impact on the conservation area and surrounding listed buildings being contrary to the conservation area appraisal and having an unacceptable impact given the choice of materials used.

45. With respect to the impact on the conservation area/streetscene. The route along Flass Lane has not been impeded as the parking spaces are passable with the lane still completely walkable. The development has not altered the historic course of the lane or its plan form and therefore, it is not considered that this proposal has harmed its heritage significance in this respect.
46. The work carried out has however, changed the lands appearance, but it would be considered that it is not so visually detrimental in its surroundings with residential development and the rear brick walls and close boarded timber fencing of the properties at Mowbray Street to the east, and the dense tree cover and vegetation on its west side. The use of cellular loose gravel and a low timber enclosure do not look so incongruous and have not fundamentally changed the lanes character as a whole nor harmfully impact upon the lanes intangible qualities. It is considered that the use of gravel is considered more appropriate in terms of the appearance of the area than tarmac or other more formal surfacing.
47. From within most of the lane only a very small part of the development can be seen, the rest being hidden by the trees and vegetation, and what is visible is not incongruous. The same is said from the highest point within the lane at the top of the steps leading to Flass Street, the development being recessive and not considered harmful in the background.
48. In wider terms, the car parking spaces only directly impact within two public viewpoints, these being the approach around the corner from Ainsley Street to Flass Lane and from the footpath opposite leading to Flass Vale. In these views, the proposal is not considered to be visually harmful.
49. They are only partially seen in the background from the junction at Waddington Street and from here are visually recessive in the background. They are fully concealed in views from the public realm around the adjacent terraces at Mowbray Street and Flass Street, and from around areas such as the Dunelm House, The Bowers, Kingsgate Lodge and County Hospital Site. In the middle and wider context of the townscape the development has no visual influence.
50. Overall, the development has changed the appearance of the site but the resulting impact on the designated heritage asset of Durham City Centre Conservation Area as a whole is negligible and not considered harmful and therefore preserves the setting and character of the area. The proposal is considered acceptable in respect of Policy 44 of the County Durham Plan.
51. Turning to the impact on nearby listed buildings and non designated heritage assets. Within the lane is Fram Well, a non-designated heritage asset identifiable on the c.1860 OS map, one of a series of surviving historic wells/springs within the city centre. By proximity the development falls within the physical surroundings informing the heritage assets setting. Due to the narrowness and enclosed nature within the lane, and the intervening trees and vegetation, along with some variation in terms of the route of the path, there is no direct intervisibility between the heritage asset and the development. In fact, the well is so overgrown it is difficult to find. The heritage asset, and the public experience of it, reads very much within the confined context of the historic lane itself in which the development causes no harm.

52. The development sits on the edge of the grounds of the grade II listed Red Hills Miners Hall, and therefore forms part of the physical surroundings of the designated heritage asset. In views from the end of Ainsley Street looking across the development towards the heritage asset, it features in an unplanned view where the Hall cannot be seen. This is due to the relevant positions in relation to geography, and the density of the trees and vegetation. Only part of the side elevation of the Hall is visible, filtered between the trees and vegetation, from further within the lane at which point the development is behind the viewer. As such the site does not have a strong relationship with the heritage asset, and prior to the car parking spaces being created was not a site of intentional intervisibility or a particularly positive contributor to the heritage assets setting.
53. By far the best place to experience and understand the heritage values of the heritage asset is from the entrance to the Miners Hall at the end of Flass Street and from within the front part of the grounds. Here the Halls special historic and architectural merits are on full display, and it is seen commanding in its spacious landscape grounds and seen in relation to the associated grade II listed statues. In this context the development has no intervisibility.
54. Within 400-500meters of the site are several other listed buildings such as The Railway Viaduct (grade II*), Durham Railway Station (grade II), North Road Methodist Church (grade II), Coalpits Terrace (grade II), and the Battery at Wharton Park (grade II) etc. There is no intervisibility between the development and such heritage assets due to the distance between them, the intervening topography, street pattern, existing built development, and tree coverage.
55. The site is within the townscape that forms the inner setting of Durham Cathedral and Castle World Heritage Site. In view of the sites secluded back land position, where it is completely enclosed and shielded in the wider townscape by geography, trees and existing built development, the development has caused no adverse effects in the context of the World Heritage Site and does not harm its setting/views or any of its outstanding universal values.
56. Overall it is considered that the impact on the setting of both non designated heritage assets and designated heritage assets would be considered either nil or neutral and the proposal therefore, is considered acceptable in respect of policy 45 of the County Durham Plan. It is also considered to preserve the character and appearance of the Conservation Area, in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

57. Policy 31 of the CDP states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.
58. The proposal given its position and nature as parking spaces would not result in a detrimental impact in respect of neighbouring properties, and while views would be visible of the proposal from surrounding neighbours windows, it is not considered that any significant loss of amenity would occur.
59. The proposal therefore is considered to have an acceptable impact on surrounding properties in accordance with policy 31 of the County Durham Plan.

Highway/PROW issues:

60. Policy 21 and 22 of the CDP relate to providing sustainable transport in which the council is committed to delivering a high quality integrated and sustainable transport network which supports our aspirations for a strong economy, a vibrant tourism offer and improved quality of life for all of our residents, including reducing air pollution and emissions of CO₂. In particular in Durham City, it looks to support sustainable networks.
61. Objections have been raised that the proposal would not be a sustainable option and that it would result in increased levels of CO₂. In addition to this, that the developer also accepted the reduced number of parking spaces as part of the previous application for the dwellings.
62. The development site is in a highly sustainable location with good access to public transport and within walking distance of local amenities. The proposal creates two additional parking spaces which would be read in conjunction with a nearby development site for residential development and provides additional parking.
63. No objection has been raised from a highways viewpoint to the proposal, whilst policy 21 and 22 of the CDP seeks to provide alternative forms of transport, it is considered that the addition of two parking spaces would not have a significant detrimental impact on the aims and objectives of these policies. It does not result in the loss of existing sustainable options and provides limited additional traffic in respect of two parking spaces. The proposal is therefore considered acceptable from a highway's viewpoint.
64. In respect of PROW issues. Objections have been received that the proposal would have a detrimental impact on a historic route including some loss to this and that the proposal would result in the stopping up of a public highway and should not be supported.
65. Policy 26 of the County Durham Plan states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made.
66. The Public Rights of Way team have commented and states that there is no recorded public right of way along this route nor is it shown as part of the adopted highway network. However, it is established that this area does provide an historic route. They provide further comment regarding historic documents which have been provided from objectors as well as information they have also established.
67. The history of Ainsley Street in terms of its status as highway is complicated. It does appear that a length of Ainsley Street was stopped up in 1854 and again in 1912 (although the part over which the parking spaces have been constructed was not stopped up in 1912). It is therefore unclear why there are two stopping ups however, lack of documentation makes it very difficult, if not impossible, to establish what happened between 1854 and 1912. Equally, it may be reasonable to conclude that public rights will have been acquired through long use (Highways Act 1980 Section 31) over this 166 year period since the stopping up in 1854 which would mean that Ainsley St has highway rights over it and a status which is unrecorded.

68. In summary, the public rights of way team consider that highway rights are likely to exist over all of Ainsley St in one form or another although as the evidence is currently insufficient to positively assert that it is highway, the status is unclear. Furthermore, the applicant has provided a surfaced 1.4m wide path alongside two fenced off parking bays as part of this retrospective application on land which they believe to have highway rights but with status currently unclear. Nevertheless, the proposal cannot be supported and the development should be removed.
69. Further legal advice was taken and it was eventually established that there is currently insufficient evidence, at this stage, to accurately determine the extent, width or status of highway at Ainsley Street. There is strong circumstantial evidence of public highway status however the public rights of way team are not in a position to assert the status of the application site as highway at this time.
70. The PROW team will carry out further research into the status of Ainsley Street particularly in light of the 1st January 2026 cut off for Definitive Map Modification Order. Investigations based on historical evidence will be carried out but unfortunately this research is not likely to take place in the short-term and it is also possible that the public may present them with evidence of use under Section 31 of the Highways Act 1980 or further historic documentary evidence. If pertinent evidence of public highway status is uncovered, then they may return to further request a stopping up order or seek removal of the parking bays through enforcement action however at present are unable to do so.
71. Officers have taken their own Legal advice and this is considered an unusual situation in that there is strong circumstantial evidence that the land is highway, however, the strict legal position is that the Council don't have enough evidence to prove it at the moment. Further evidence may or may not be forthcoming in the future. Therefore, any development will be at the developer's risk in that regard.
72. Essentially the onus is on the Council to discharge the burden of proof upon us to demonstrate that it is highway land and we are unable to do this. Therefore, whilst there is a question mark as to the status of the land, it is not for the planning system to resolve that and a refusal of the application cannot be sustained on this basis.
73. There is a process outside of the planning system for resolving that with the Highway Authority if they are able to do so, just as in the same way that if the land was very definitely highway, that would not prevent planning permission being granted, it just means that the developer would need to go through another process (stopping up) before he could implement it.
74. On balance, it is therefore considered that very little weight can be given to the disputed highway status of the site. In addition to this, the loss of any public access to the site must be given very limited weight because highway status has not been established and there will still be provision for pedestrian access as the whole of the route has not been lost.

Other Issues

75. Issues have been raised regarding the ownership of the site and prior situations that have been carried out which have resulted in land grabbing in respect of the placement of a container that was eventually removed by the Council, and this was underhand. Concerns have also been raised that the proposal has been carried out on land owned by other people and access to land is restricted and is on a retrospective basis.

76. The applicants have served the required notice as part of the application process as they were unable to identify who the owner is and also a land registry search has been carried out by officers. The land is classed as unregistered however the ownership of the land again is not a material planning consideration and therefore, a refusal reason cannot be sustained in this instance. Concern regarding whether the proposal would encroach onto other land would be a Civil issue however, as part of the planning application, the applicant has shown they have taken the relevant steps by serving a notice in the press. In addition to this no evidence has been provided to show that the proposal is on land owned by any other person.

77. The way in which this process of obtaining possession of the land has been carried out is also not a material planning consideration and cannot affect the determination of the planning application. Equally, whilst the application is put forward on a retrospective basis, this is not a reason in itself for refusal. The legislation provides for such retrospective applications to be made and it is of note that the Council would always seek the submission of an application to try and regularise a proposal which is considered acceptable in planning terms, prior to taking any enforcement action. Whilst there may be no known owner, the applicants would have to ensure that all relevant legal obligations were met.

CONCLUSION

78. The impact upon the visual amenity of the area including the conservation area and heritage assets as well as the impact on residential amenity is considered to be acceptable.
79. The application is considered to meet the requirements of the National Planning Policy Framework and Policies 21, 22, 29, 31, 44 and 45 of the County Durham Plan, as well as satisfying the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it is considered to preserve the character and appearance of the Conservation Area.
80. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

1. As approval is being sought on a retrospective basis, no conditions are required in this instance albeit subject to the statutory requirement that development must be begun no later than three years from the grant of planning permission.

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

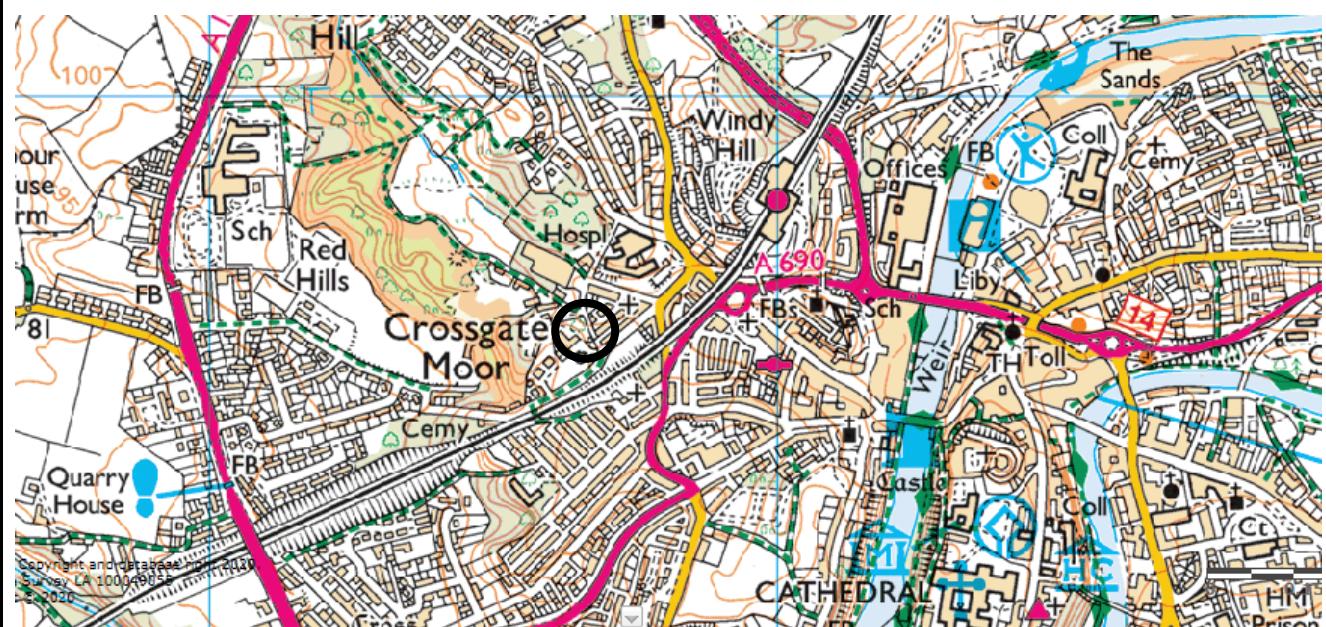
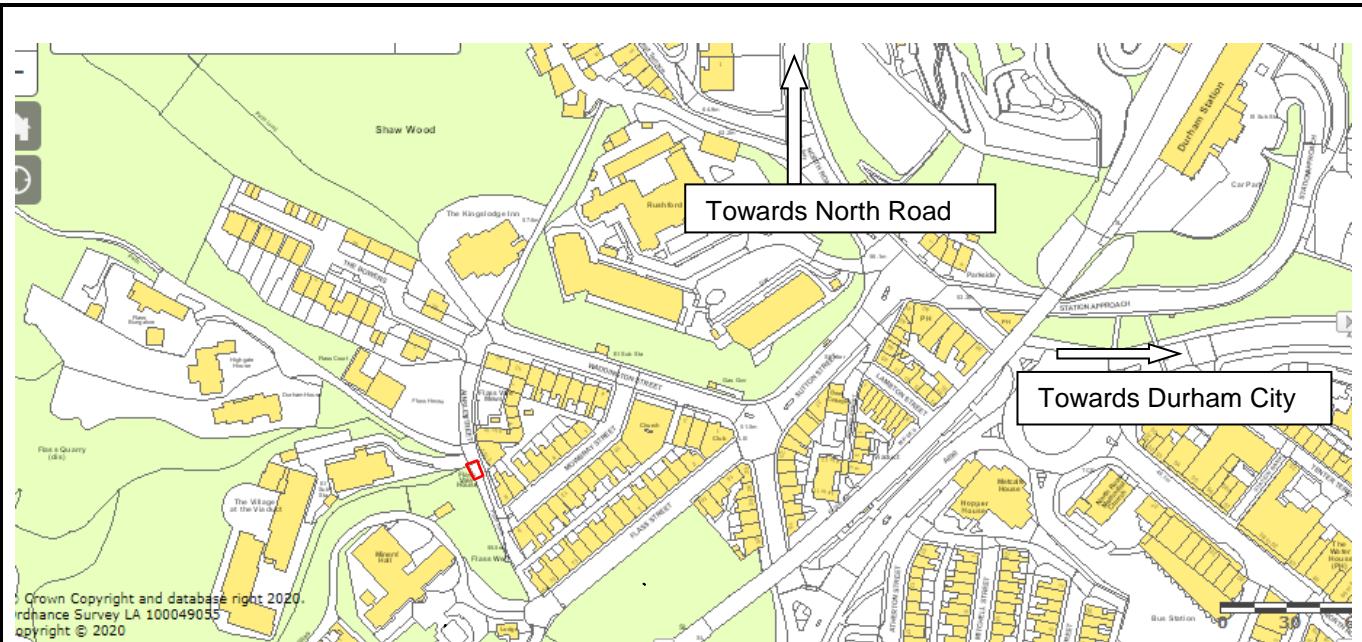
The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

County Durham Plan

Durham City Neighbourhood Plan

Statutory, internal and public consultation responses



Planning Services

Retention of use of land for 2 car parking spaces at
Land To South Of Flass Vale House, Ainsley Street
Durham DH1 4BJ
Application Reference DM/20/01124/FPA

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Date November 2020

Scale NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/20/02195/FPA
FULL APPLICATION DESCRIPTION: Demolition of agricultural building and construction of 7no. holiday let units with associated car parking and landscaping.
NAME OF APPLICANT: Mr John Oliver
ADDRESS: Land North East Of Grange Farm
Old Cassop
DH6 4QA
ELECTORAL DIVISION: Coxhoe
CASE OFFICER: Paul Hopper
Senior Planning Officer
Telephone: 03000 263 946
paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises land to the north of East Grange Farm, Old Cassop which is a small hamlet of several properties set within Old Cassop Conservation Area and an area of High Landscape Value to the east of Durham City.
2. The site presently comprises two large agricultural barns/buildings which are of functional construction finished in a mix of corrugated sheeting with a mix of breeze block to the walls with corrugated sheeting to the roof. It is presently framed by tree and hedgerow planting to the north and western boundaries, agricultural fields to the east and a single residential dwelling to the south.
3. Access is taken from the west via an unclassified unnumbered road and a public right of way crosses the south of the site (Bridleway No. 34).

The Proposal

4. Planning permission is sought for the demolition of two existing barns and the redevelopment of the site through the construction of 7 holiday lets on Land to the North of East Grange Farm, Old Cassop. The development would comprise two buildings which would broadly occupy the footprint of the existing barns with an area for car parking provided to the south and east. Access would be gained via the existing arrangement from the unclassified road to the west.

5. The two proposed buildings would broadly occupy the position of the existing barns with the first representing a 'U' in terms of its layout set around a central courtyard and incorporating three two storey elements physically connected at ground floor level via single storey links. Each element of the building would be approximately 9.9 metres by 17 metres, 8.7 metres by 16 metres and 26 metres by 8.7 metres and all would be of 2 storey height with a traditional dual pitched roof.
6. The second building would be set to the west of this and be approximately 8.7 metres by 23 metres with an overall height of 7.7 metres to the ridge of a dual pitched roof.
7. External materials would comprise of a mix of natural stone and facing brick to the walls with a mix of pantile and slate to the roof. Soft landscaping is proposed to the north and east of the buildings and also to the south within the proposed courtyard. Hedgerow planting is proposed to the northern, eastern and western boundaries which would be supplemented by some tree planting. Hard landscaping would be concentrated to the south and east of the buildings with surface finish comprising of gravel.
8. The application is referred to the Committee at the request of Cllrs J Blakey, M McKewon and S Dunn who consider the proposal raises issues in relation to highway safety which should be appropriately considered by committee.

PLANNING HISTORY

9. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

10. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
11. NPPF Part 2 - Achieving sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for planning and decision-taking is outlined.
12. NPPF Part 4 - Decision-making. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 13.NPPF Part 8 – Promoting healthy and safe 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.
- 14.NPPF Part 9 – 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.
- 15.NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 16.NPPF Part 12 Achieving Well-Designed Places - 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.
- 17.NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 18.NPPF Part 15 Conserving and Enhancing the Natural Environment - 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.
- 19.NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The following policies of the County Durham Plan are considered relevant to the determination of this planning application;

21. Policy 6 Development on unallocated Sites states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective use of previously developed land and where appropriate reflects priorities for urban regeneration.
22. Policy 8 Visitor Accommodation states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to meet identified visitor need, it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.
23. Policy 10 Development in the Countryside states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
24. Policy 21 Delivering Sustainable Transport states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
25. Policy 25 Developer Contributions states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.

26. Policy 26 Green Infrastructure states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made.
27. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
28. Policy 31 Amenity and Pollution states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
29. Policy 35 Water Management states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
30. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
31. Policy 39 Landscape states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
32. Policy 40 Trees, Woodlands and Hedges states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
33. Policy 41 Biodiversity and Geodiversity states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. Highways raises no objection to the application subject to the submission, inclusion and implementation of 2 No. passing places along unclassified road to the west of the site prior to the commencement of development.
35. DCC Coastal and Drainage Protection Section confirms the application is not one which requires consultation with the LLFA.
36. NWL has not commented on the application.
37. Environment Agency has not commented.
38. Cassop-cum-Quarrington Parish Council object to the application citing concerns that the development is inappropriate for a countryside location and would result in increased traffic which would have a detrimental impact on highway safety.

INTERNAL CONSULTEE RESPONSES:

39. Landscape Section raises no objection to the application after further details of soft landscaping to the north and west of the development was provided which identified replacement tree planting and a native species hedgerow along the site's western boundary.
40. Arborist raises no objection to the application after further details of soft landscaping to the north and west of the development was provided which identified replacement tree planting and a native species hedgerow along the sites eastern boundary. Appropriate means of tree protection should be installed prior to the commencement of development.
41. Environment, Health and Consumer Protection (Nuisance Action Team) offers no objection to the application subject to the inclusion of a planning condition which requires adherence to the mitigation measures set out in the noise management plan submitted in support of the application.
42. Contaminated Land Section raises no objection to the application subject to the inclusion of a planning condition which requires the submission, agreement and implementation of a scheme of intrusive site investigations, remediation and verification reports where need is identified.
43. Design and Conservation raises no objection to the application noting that the development would result in a beneficial impact on the significance of the designated and non-designated heritage assets (in this case the conservation area and Grange Farm and The Hemmel – both located to the east of the application site). Conditions are suggested in relation to the submission and agreement of external materials, sample panel, window detail (including heads and cills), rainwater goods and boundary treatment and external hard surface material.
44. Ecology has no objections to the application subject to the mitigation proposed in the supporting Barn Owl survey to be secured through planning condition and that this include the provision of new bird boxes within the development.

45. Public Rights of Way Section raises no objection to the application but highlights some concern regarding an increased amount of vehicular traffic using the part of the track within the development and as such request that advisory speed limit signs are placed accordingly to deter vehicles from driving too fast on the PRoW. They also note that the LPA is only required to maintain the PROW to a standard suitable for pedestrians, cyclists and equestrians. A number of points are noted in relation to requirements to keep the PROW free from obstruction during the construction phase should planning permission be granted.

NON-STATUTORY CONSULTEES:

46. Visit County Durham offers support for the application.

47. Campaign for the Protection of Rural England note their interpretation of the policy position with regard to the application and go onto raise objection to the application citing concerns that; the development would have a detrimental impact on the scale and characteristic of the Conservation Area.

PUBLIC RESPONSES:

48. The application has been advertised by means of site notice, press notice and notification letter to adjacent residents. To date, 10 letters of objection have been received the reasons for objection are summarised as:

- Adverse impact on the character and appearance of the Conservation Area given unsympathetic design and that the conversion of the building does not appear to have been explored.
- Adverse impact on highway safety of the surrounding road network with respondents citing several near misses on the unclassified road and the also the junction with the A181 to the north of the site. They also note that there would be an adverse impact on pedestrian safety given there is no speed limit and no footpaths or streetlighting.
- The application proposes residential development within the countryside contrary to National and Local Planning Policy.
- Adverse impact to a public right of way from increased vehicle movements and construction traffic.
- Adverse impact from noise particularly from the use of outdoor areas which would impact on residential amenity, particularly children.
- Cumulative impact from this and other existing similar development undertaken by the applicant previously.
- The development will not promote healthy communities as short-term holiday tenants will have no interest in the local community.
- Adverse impact on the existing natural environment and biodiversity.
- No detail is provided as to how the land will be farmed after the buildings have been converted. The concern is that the applicant will require replacement agricultural buildings in order to continue farm the remaining agricultural land that surrounds the site.
- Adverse impact on the tenure balance of the hamlet which would increase transient occupation. Specifically, that the renters will change every few days or weeks and will not contribute to the community of Old Cassop in any positive way but in fact are more likely to cause litter, noise and lack of care for the environment.

APPLICANT'S STATEMENT:

49. The development of luxury holiday accommodation in Old Cassop is ideally located to support the Visitor Attractions of County Durham, with fantastic views of Durham Cathedral and adjacent to the new 'Way of Love' route. We are grateful for the support from Visit Durham in developing these proposals.
50. High quality design has been integral to the proposals, which have been landscape and heritage-led. The proposal has used both the current built form and the historic plan form to evolve the scheme to ensure that the proposal reflects the existing historic context in terms of scale, massing and materials. We welcome the comments from the Design and Conservation Officer that the proposals would result in a beneficial impact and net gain to the character, appearance and significance of Old Cassop. During the application additional landscaping has been proposed as part of the scheme to address comments from the Landscape Officer.
51. The concerns from neighbouring residents in relation to highway impact have been addressed from the outset, with additional passing places proposed as part of the application. We have proposed that these additional passing places are in place prior to commencement of development, which can be controlled by appropriately worded condition. This will mitigate both the impact of the holiday accommodation and address some of the existing issues that residents experience.
52. There is huge demand for more holiday accommodation in the County. This development accords with local and national policy and will help support the Visitor Economy in County Durham and will have a beneficial impact on Old Cassop."

*The above is not intended to list every point made and 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
<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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 the development, impact upon highway safety, the character and appearance of the Old Cassop Conservation Area, visual amenity and landscape character, residential amenity, ecology, drainage and land contamination.

Principle of the Development

54. The County Durham Plan represents the up to date local plan for the area and was adopted in October 2020. Policy 8 of the plan states that proposals for visitor accommodation that are in the countryside will be supported where they are appropriate to the scale and character of the area and are not used for permanent residential accommodation. In addition, it states that proposal will also only be supported where they are necessary to meet identified visitor needs; or is an extension to existing visitor accommodation and helps to support future business viability or is a conversion of an existing building; and it respects the character of the countryside; and it demonstrates clear opportunity to make its location more sustainable.

55. Policy 10 is also relevant and relates to development in the countryside, it states that development in such locations will not be permitted unless allowed for by specific policies in the Plan (such as policy 8 relating to visitor accommodation), relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
56. The approach contained within policy 8 is considered to display a broad level of accordance with paragraph 83 of the NPPF which states that decisions should enable; the sustainable growth and expansion of business in rural areas, the development and diversification of agricultural and other land-based rural business; and sustainable rural tourism and leisure developments which respect the character of the countryside.
57. The development proposes the demolition of two existing barns and the erection of 7 holiday lets with associated soft and hard landscaping.
58. Policy 8 of the CDP notes that development for visitor accommodation in the countryside will be supported where it is necessary to meet identified visitor needs. In this regard Visit Durham have been consulted and offer support for the proposals noting that the development is consistent with current market and visitor intelligence which identifies a need for overnight accommodation in the County, detailing the associated benefits that this would have on the County's tourist economy.
59. Some residents have raised objection to the application citing concerns that it would result in unacceptable residential development within the countryside and in doing so cite policies H4 and H5 of the City of Durham Local Plan. Whilst the City of Durham Local Plan no longer forms part of the development plan for the area and as such these policies are not relevant, it is nevertheless noted that the development proposes holiday accommodation and not permanent residential accommodation and as such, had the CofDLP still formed part of the development plan for the area these policies would still not have been considered relevant to the determination of this application.
60. Policies 8 and 10 of the CDP and paragraph 83 of the NPPF provide a policy framework that provides in principle support for new visitor accommodation at the site provided the stated criteria are met, the proposal accords with other relevant national and local plan policies and material planning considerations do not indicate that planning permission should refused.
61. As such the principle of development is considered acceptable although it is considered appropriate to include a planning condition which prohibits occupation of the units as permanent residential accommodation.

Parking, Access and Highway Safety and impact on PROW

62. Policy 21 of the County Durham Plan states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

63. This approach displays broad accordance with the aims of paragraph 108 of the NPPF which requires planning decisions to take account of whether safe and suitable access to the site can be achieved for all.
64. The application proposes the use of the existing access from the unclassified road to the west which also forms part of an existing public right of way which crosses the southern part of the site (Bridleway No. 34). The submission was originally supported by highway statement which has since been amended to include the provision of 2 No. passing places and the upgrade to 5 existing passing places along the unclassified road to the west of the site. In addition it is noted that an additional passing place is also proposed to the north of the site.
65. In terms of onsite parking this would comprise 15 on site spaces positioned to the south and east of the proposed holidays lets.
66. Residents have raised objection to the application citing serious concerns in relation to highway safety for users of the unclassified road that bisects Old Cassop and connects the UNC 20.16 to the A181. Those concerns relate both to vehicular and pedestrian safety and note previous accidents and near misses along this route. Comments also cite use by non-residents of the hamlet to navigate a route around the city and also antisocial use for fly tipping and to discard stolen vehicles. In summary, there is a well-established concern from residents that the road is presently unsafe.
67. The three local Councillors for the ward have also all raised significant concerns in this regard, as have Cassop-cum Quarrington Parish Council. In doing so they reference a condition attached to previous planning permission (also made by the applicant) which related to the property to the south of the application site and its conversion to a dwelling). This condition required the installation of new passing places along the existing unclassified road to the west of the site. The concern is that the passing places were not installed as per the requirements of the condition. On this point it is noted that the condition required the submission of a scheme for passing places to be submitted to and agreed by the LPA and that these be subsequently installed prior to first occupation of the development. This matter was subject to investigation by the Council's Planning Enforcement Section and whilst it would appear that the previous development was occupied prior to this condition being fully discharged, one additional passing place was subsequently installed, and the remaining spaces upgraded to the satisfaction of the LPA. There are no outstanding planning enforcement issues remaining in this regard.
68. With regard to the current application the applicant acknowledges the need to improve access arrangements along the lane and has proposed the installation of 3 new passing places and the upgrade to the remaining places to be completed prior to the commencement of development. The Highway Authority has commented on these proposals noting that the means of access to the UNC. 27.10 is considered acceptable and that the additional passing places proposed, along with the upgrade of existing spaces, would ensure that there would not be any unacceptable impact upon highway safety. On site parking is also understood to comply with the Council's current parking standards. The implementation of the new passing places and the upgrade to 5 existing passing places prior to the commencement of development should be secured through appropriate planning condition.

69. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 21 of the CDP and paragraph 108 of the NPPF.

70. Bridleway No.34 crosses the site to the south and as such policy 26 of the CDP is relevant which states that new development that would result in the loss of, or deterioration in the quality of, existing PRoW will not be permitted unless equivalent alternative provision of a suitable standard is made. This displays a broad level of accordance with paragraph 98 of the NPPF which states that planning decisions should protect and enhance public rights of way and access.

71. Residents have raised objection to the application noting that the proposal would have a detrimental impact upon the users of the Bridleway from an increase in vehicle movements along the section of the route which crosses the application site. In addition, the extent to which the applicant has the legal right to use the bridleway has also been questioned.

72. With regard to the latter it is understood that the Road Traffic Act 1988 states that driving a mechanically propelled vehicle on a PRoW is an offence unless it can be shown that there is a private right in place to use the accessway to gain vehicular access to their property. In this case there is clear evidence that the applicant has established vehicular rights through the farm entrance. However, the extent to which the applicant enjoys private vehicular rights of access and the interaction with other legislation in this regard is outside of the scope of this application.

73. In relation to the impact upon the PRoW itself, it is noted that the route of the Bridleway would be unaffected by the development and the scheme has been amended to improve the visual amenity of the site on approach from the south via the PROW. Whilst landscape and visual impacts of the proposal are considered elsewhere in this report the Council's PRoW Section raise no objection to the application subject to advisory speed limit signs to be placed along the route to deter vehicles from driving too fast on the PRoW and notes that the Council is only responsible for maintaining the existing surface to the standard suitable for pedestrians, cyclists and equestrians.

74. Subject to the inclusion of a planning informative which reminds the applicant for the need to place signage at the entrance of the development to remind users that it forms part of ProW, the development is considered to accord with the aims of policy 26 of the CDP and paragraph 98 of the NPPF.

Design and Impact upon Old Cassop Conservation Area

75. The site is positioned with Old Cassop Conservation Area and the setting of non-designated heritage assets. Consequently, paragraph 193 of the NPPF is relevant which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.

76. Policy 44 of the CDP displays a broad level of accordance with the aims of Part 16 of the NPPF (and paragraph 193) in that it requires new development to contribute positively to the built and historic environment and seek opportunities to enhance, and where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.

77. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
78. The application proposes the demolition of existing barns and the construction of two buildings to provide a total of 7 holiday lets which will have a positive impact on Old Cassop Conservation Area and involve works within the setting of a non-designated heritage asset. As such the application is supported by a Heritage Statement which assess the impact of the proposal upon the significance of the surrounding conservation area.
79. Several local residents and the CPRE have raised objection to the application citing concerns regarding the suitability of a development of this type in this location, and consider that it will have a detrimental impact on the special historic character and appearance of Old Cassop Conservation Area contrary to national and local planning policies. They also raise concerns that the conversion of the buildings does not appear to have been explored as an alternative.
80. The significance of the Old Cassop Conservation Area lies in the survival of its form as a medieval agricultural hamlet and the strong relationship it has with the surrounding landscape. Its character is heavily influenced by farming practices, with built, archaeological and natural heritage entwining to create a strong sense of agricultural tradition. Grange farm makes a strong impression in the Conservation Area and whilst its precise age is unknown it is shown on the 1st edition OS map c.1856-60. However, the existing buildings which occupy the application site do not make a particularly positive contribution to the surrounding conservation area and these would be removed as part of the proposals.
81. The Council's Design and Conservation Section has commented on the application and notes that in terms of site layout the proposed footprint, plan and form is reflect of the existing buildings which occupy the site and that shown on the OS plan c.1950. The proposal does not represent over development and are not unduly urban which was a criticism of previous proposals for this site. With regards to design the size, scale and massing of the development is considered reflective of the surrounding built form and as such acceptable and elevations reflect the agricultural character of the site and its surroundings.
82. Therefore, in terms of its impact upon the significance of Old Cassop Conservation Area the Council's Design and Conservation Section considers that the proposal would have a beneficial impact and net gain to the character, appearance and significance of the conservation area through the demolition of the existing large nondescript barns and replacing them with a higher quality redevelopment designed with a purposeful sympathetic agricultural approach. In succession this would present an enhancement to the setting of nearby non-designated heritage assets of Grange Farmhouse and The Hemmel. Whilst the application does not include any assessment of the buildings in terms of their suitability for conversion it is noted that the Council's Design and Conservation Section considers that they do not currently make any positive contribution to the conservation area.

83. However, the inclusion of several planning conditions is advised which would include the submission and agreement of sample materials for the roof, brick sample, the construction of a 1 metre sample panel of stone work, precise details of heads and cills, roof lights, rainwater goods and boundary treatment.

84. In agreement with the views of the Design and Conservation Officer it is considered that the demolition of the existing buildings and high quality replacement buildings will enhance the appearance of the Conservation Area and nearby Heritage Assets and subject to the inclusion of planning conditions in this regard the development is considered to accord with the aims of policy 44 of the CDP and paragraphs 193 and 197 of the NPPF. In relation to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Landscape and Visual Impact upon the Area of High Landscape Value

85. The application site lies within an area designated as being of High Landscape Value (AHLV) by the County Durham Plan. The current built environment and surrounding landscape combine to provide special qualities resulting in protective designations such as AHLV and the Conservation Area as already discussed. Policy 39 of the County Durham Plan is therefore relevant and states that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. Policy 8 is also relevant in this regard as it states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

86. This displays a broad level of accordance with the aims of paragraph 170 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment [in part] by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identifying quality in the development plan).

87. The site is visible in local views from public vantage points within Old Cassop including the Bridleway to the south and also in more distant views from the A181 (Silent Bank) to the north. Existing mature trees to the north and west provide some screening both in localised views and also in the wider landscape context.

88. Several residents and the CPRE have raised concerns regarding the visual impact of the development and that it would have an adverse impact on the surrounding locality and AHLV.

89. Whilst the development proposes the removal of some existing trees to accommodate the removal of the existing buildings and their proposed holiday accommodation the main thrust of planting to the north and west of the site would be retained post development.

90. It is noted that the application is supported by a Landscape Plan and Arboricultural Impact Assessment which identifies the position of replacement and supplementary planting along with general soft landscaping provision across the remainder of the development. Key elements in this regard are the provision of additional planting along the western boundary, provision of native species mix hedgerow along this boundary and continued around the perimeter of the site to its northern and eastern boundaries. In addition, larger blocks of hedgerow planting are also proposed to the south of the buildings which would soften the development in views on approach from the Bridleway.

91. Whilst the submitted landscape plan comprises a scheme which is well considered and would deliver a development that would assimilate satisfactorily into the existing AHLV, both in terms of the wider landscape and more localised views from within Old Cassop, details such as the species mix remain outstanding and pivotal to the successful delivery of the landscape solution. Consequently, it is considered appropriate to include a planning condition which requires the submission and agreement of precise detail in this regard along with the submission and agreement of a Tree Protection Plan in order to ensure that existing trees are adequately protected prior to the commencement of development. The standard planning condition to ensure implementation of the landscape scheme within the first available planting season following completion of the development is also required.

92. As the passing place to the north of the site would be located partially within the root protection area of one of the trees identified for retention, sensitive construction methods would need to be employed in order to ensure that the tree survives the works. Whilst no precise detail is supplied with the application in this regard it is understood there are several techniques which could be appropriate employed. A condition should therefore be included to require the submission and agreement of precise detail in this regard prior to the commencement of development.

93. Subject to the inclusion of appropriate planning conditions in this regard the development is considered to accord with the aims of policies 8 and 39 of the CDP and paragraphs 83 and 170 of the NPPF.

Residential Amenity

94. The application site is located to the eastern edge of Old Cassop and as such is framed by residential development to the south and at greater distance to the west. Policy 31 of the County Durham Plan is therefore relevant and states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.

95. Local residents have raised objection to the application and consider that the proposal would result in unacceptable levels of noise and disturbance as a result of the proposed use, which is likely to involve outdoor noise generating use, and also during the construction phase of development. In doing so residents note the quiet nature of the hamlet and that the development would have an adverse impact on residential amenity in terms of increase in noise, particularly during unsociable hours which would affect families with young children.

96. The application is supported by a Noise Management Plan which acknowledges that the main potential noise sources are likely to be guests whilst using the outdoor space, particularly during the late evening and night time periods, and for guests to play amplified music both internally and externally which may impact on the amenity of nearby residents. Whist the plan advises that the building has been designed in such a way as to position the outdoor amenity space to the north and east of the buildings away from properties to the south and west and utilising the lodges themselves as acoustic barriers it also proposes additional mitigation measures such as actively managing operations on site, (including control over the use of external amenity areas to between 07:00 and 23:00), corrective action by site managers where required and detail of these controls to be included in guests welcome information and via signage throughout the site.

97. The Council's Environmental Health Section has commented and offers no objection to the application subject to the inclusion of a planning condition which requires the implementation and adherence to the mitigation measures detailed in the Noise Management Plan. Given the proximity of the nearest residential dwellings it is inevitable that there will be an element of disturbance throughout the construction stage of the development however this would not be considered unreasonable subject to the agreement of an adherence to a construction management plan to be secured through planning condition.

98. In terms of the impact of the buildings themselves it is considered that sufficient separation distances could be achieved to ensure that there would be no unacceptable adverse impact in terms of loss of privacy, overbearing or overshadowing.

99. Local residents have also raised concern at the cumulative impact that this, and other similar development would have on the tenure of the village. They consider that subsequent increase in number of transient occupants within the village would detract from the sense of community of Old Cassop, as temporary residents would not contribute in any positive way to the village, being more likely to cause litter, noise and display a lack of care for the environment.

100. Paragraph 91 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

101. Whilst resident's concerns are noted, there is no evidence to suggest that visitors to the area would be any more likely to display antisocial behaviour or other detrimental impact upon the existing communities. Areas which depend heavily upon the tourist economy elsewhere are also able to maintain a strong sense of local community and as such remain attractive places to live. In terms of those concerns cited in objection; noise has been discussed elsewhere in this report and in relation to litter the applicant has confirmed that sufficient waste storage facilities would be provided on site to reduce the likely hood that this would be a notable issue. In general terms the applicant has noted that welcome packs would include information about the local area and reinforce the need to be respectful of the existing community. Such steps to actively manage visitor behaviour are considered to appropriately mitigate any potential impact of the development in this regard, which in any event is considered limited.

102. Therefore, subject to the condition in relation to adherence to the Noise Management Plan and the submission of a Construction Management Plan the development is considered to accord with the aims of policy 31 of the CDP and paragraph 180 of the NPPF.

Ecology

103. The application proposes the demolition of two large barns and as such is supported by a Barn Owl Survey which also included risk assessment in relation to bats and breeding birds.

104. Local residents have raised concerns regarding the impact of the development on local wildlife, particularly birds through the loss of the existing buildings.

105. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. In particular paragraph 174 requires the planning system to achieve net gains for biodiversity. Policy 41 displays a broad level of accordance with approach stating that new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.

106. The submitted barn owl assessed considers the risk of the development to barn owls, bats and breeding birds and was undertaken by an appropriately qualified ecologist. It found no evidence of barn owls using the building as the high ledges in either building and rafters were judged as unsuitable as barn owl nest sites. With regards to breeding birds whilst the survey found evidence of blackbirds nesting, these were mainly old nests with the exception of one active nest, underneath which bird droppings were present. In relation to bats the buildings were considered totally unsuitable as roost or hibernation sites because of their construction.

107. Consequently, the assessment concluded that there is negligible risk of the development having any impact on barn owls and bats, and that whilst there would be the loss of a blackbird nest these are not a European Protected Species that requires a licence. They are protected under the Wildlife and Countryside Act 1981 and suitable precautions would need to be taken should works be planned during the bird nesting season. There are a number of other suitable sites in the area to mitigate any loss of a nesting site. .

108. Consequently, the Council's Ecologist raises no objection to the application subject to the inclusion of a planning condition which requires implementation of the mitigation described in the survey/assessment that the buildings should be demolished outside of the bird breeding season and that bird and bat boxes be incorporated into the development to mitigate for the loss and provide net biodiversity gain in accordance with Policy 41 and paragraph 174 of the NPPF.

109. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 41 of the CDP and paragraph 174 of the NPPF.

Drainage

110. Policies and 35 and 36 require that all new development should adopt the hierarchy of preference in relation to foul and surface water disposal.

111. The application proposes disposal of surface water through discharge to soakaway and foul disposal to septic tank to which the Council's Drainage Section and NWL offer no objection. Whilst the Environment Agency has not commented it is considered appropriate to include a planning condition requiring the submission and agreement of precise detail of the septic tank for agreement prior to the commencement of development. Subject to the inclusion of a planning condition in this regard the development is considered acceptable in accordance with the requirements of policies 35 and 36 of the CDP.

112. The application proposes a change of use to a more sensitive receptor and as such policy 32 of the CDP is relevant which relates to despoiled, degraded, derelict, contaminated and unstable land which states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and all investigations and risk assessments have been undertaken by an appropriately qualified person.
113. This displays a broad level of accordance with paragraph 178 of the NPPF which requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
114. The Council's Contaminated Land Section has been consulted and offers no objection to the application subject to the inclusion of a planning condition which requires the submission, agreement and implementation of a phase 2 intrusive site investigation report prior to the commencement of development and the implementation of remediation and verification reports where need is identified.

Other Matters

115. Residents have raised objection that the application does not include any detail with regard to how the surrounding agricultural land will be farmed after the buildings have been converted.
116. The applicant has advised that he owns a number of agricultural steadings within the locality and that activities have been consolidated and condensed with sufficient capacity existing at his other sites in Haswell, Shadforth and Lanchester providing sufficient capacity in terms of existing building so as to render the buildings at Grange Farm surplus to requirements. Any future changes to farming practices which may give rise to the need for further buildings on this site would be considered on their merits and against relevant policies and legislation in place at that time.
117. Concern was raised by some residents that not all of the properties within Old Cassop received letters directly notifying them of the application and it is noted that this was also raised as a concern in response to several other previous applications within the village. Whilst not a matter which is material in determination of the application it is noted that legislation regarding the publicity of planning application requires that a site notice or notification letter to adjacent occupiers is required to publicise development of this type along with a press notice given its position within a conservation area. In this instance both notification letters and the posting of a site notice was undertaken and as such LPA exceeded the minimum statutory requirements in this regard.

CONCLUSION

118. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

119. The County Durham Plan was adopted in October 2020 and as such forms part of a relevant and up to date development plan. Policies 8 and 10 of the Plan are relevant and relate to visitor accommodation and development within the countryside respectively. These policies provide a framework which supports the principle of new visitor accommodation within the countryside where this accords with specific criteria and other policies in the plan.
120. The development, by reason of its size, scale mass, layout, design and materials, could be satisfactorily accommodated without unacceptable adverse impact upon highway safety, residential amenity, landscape and visual amenity, ecology, drainage and land contamination in accordance with the aims of policies 8, 10, 21, 26, 29, 31, 39 and 41 of the County Durham Plan.
121. In addition the development is considered to meet the requirements of paragraphs 193 and 197 of the NPPF, policy 44 of the Country Durham, as well as satisfying the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it is considered to enhance the character and appearance of the Conservation Area.
122. The proposal generated public interest with 8 letters of objection received. Whilst the objections and concerns raised by residents, the Parish Council and local Councillors have been taken into account and addressed within the report, on balance these were not felt to be of sufficient weight to justify refusal of this application and could be appropriately mitigated through the imposition of planning conditions.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy H9 and H13 of the City of Durham Local Plan.

3. The development hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operator shall maintain an up-to-date register of the names of all occupiers and of their main home addresses and telephone numbers and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation only, in order to comply with Policy 8 of the County Durham Plan and Part 6 of the National Planning Policy Framework.

4. No development shall commence until samples of external roofing material and any brick required for the external walls have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed detail.

Reason: To preserve and enhance the character and appearance of Old Cassop Conservation Area in accordance with the aims of policy 44 of the CDP and paragraphs 193 and 197 of the NPPF.

5. Notwithstanding the details of materials submitted with the application, the external walls shall be principally formed using coursed, random size natural stone with pointing to match
6. No development of the external walls shall commence until a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building has been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall thereafter be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved sample panel.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

7. No rainwater goods shall be installed unless details of materials, hoppers and junctions, and existing sections to be retained, have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

8. All roof lights shall be of conservation style and no development shall commence until full details of all roof lights have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To protect the special historic and architectural character of the Grade II Listed Building in accordance with the aims of policy 44 of the County Durham Plan and paragraphs 193 and 197 of the NPPF.

9. No external windows and doors shall be installed unless full details including plans at a scale of 1:20, including cross sections and details of colour finish, of the proposed windows and doors have first been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

10. No installation of heads, cills or decorative stonework shall commence until details have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To preserve the character of the conservation area in accordance with policy 44 of the County Durham Plan and paragraph 193 of the NPPF.

11. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

12. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection.
- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- A plan showing the public/structural landscaping and private/in-curtilage landscaping.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

13. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework

14. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges identified for retention are protected as shown on a tree protection plan to be submitted to and agreed in writing by the Local Planning Authority. Means of protection shall comprise the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

15. No development shall commence until passing places as set out in Highway Statement Proposed Holiday Lodges Grange Farm, Old Cassop (Issue 3, dated 22 October 2020) are fully constructed and available for use.

Reason: In the interests of highway safety in accordance with policies 8 and 21 of the County Durham Plan and paragraph 108 of the NPPF.

16. No development shall commence until such time as full construction detail for the vehicular passing place to the north of the site, as shown on the Drawing No. AMS TPP within the AIA, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed detail.

Reason: To protect the existing trees in the interests of visual amenity and the special landscape character of the surrounding AHLV in accordance with the aims of policy 39 of the County Durham Plan and paragraphs 170 of the NPPF.

17. No development shall commence until a Phase 2 site investigation has been carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

18. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

19. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface and foul water are adequately disposed of in accordance with Policies 35 and 36 of the Policy 32 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

20. The development hereby approved shall be carried out wholly in accordance with the mitigation measures contained with the Noise Management Plan dated July 2020 and undertaken by L A Environmental. Thereafter the mitigation measures will be retained for the duration that the development is in use as holiday accommodation.

Reason: To protect the residential amenity of surrounding occupiers in accordance with the aims of policy 31 of the County Durham Plan and paragraph 180 of the NPPF.

21. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations contained within the Barn Owl Survey completed by Veronica Howard dated July 2019 and shall include the installation of 3No. bird boxes across the development.

Reason: To conserve protected species and their habitat and biodiversity in accordance with the objectives of policy 41 of the County Durham Plan and part 11 of the NPPF.

22. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

23. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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

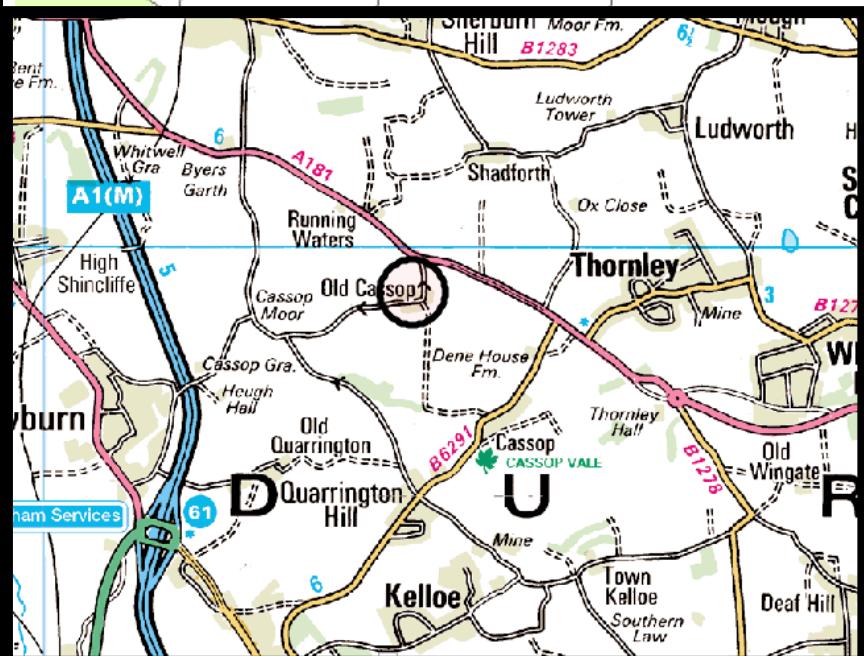
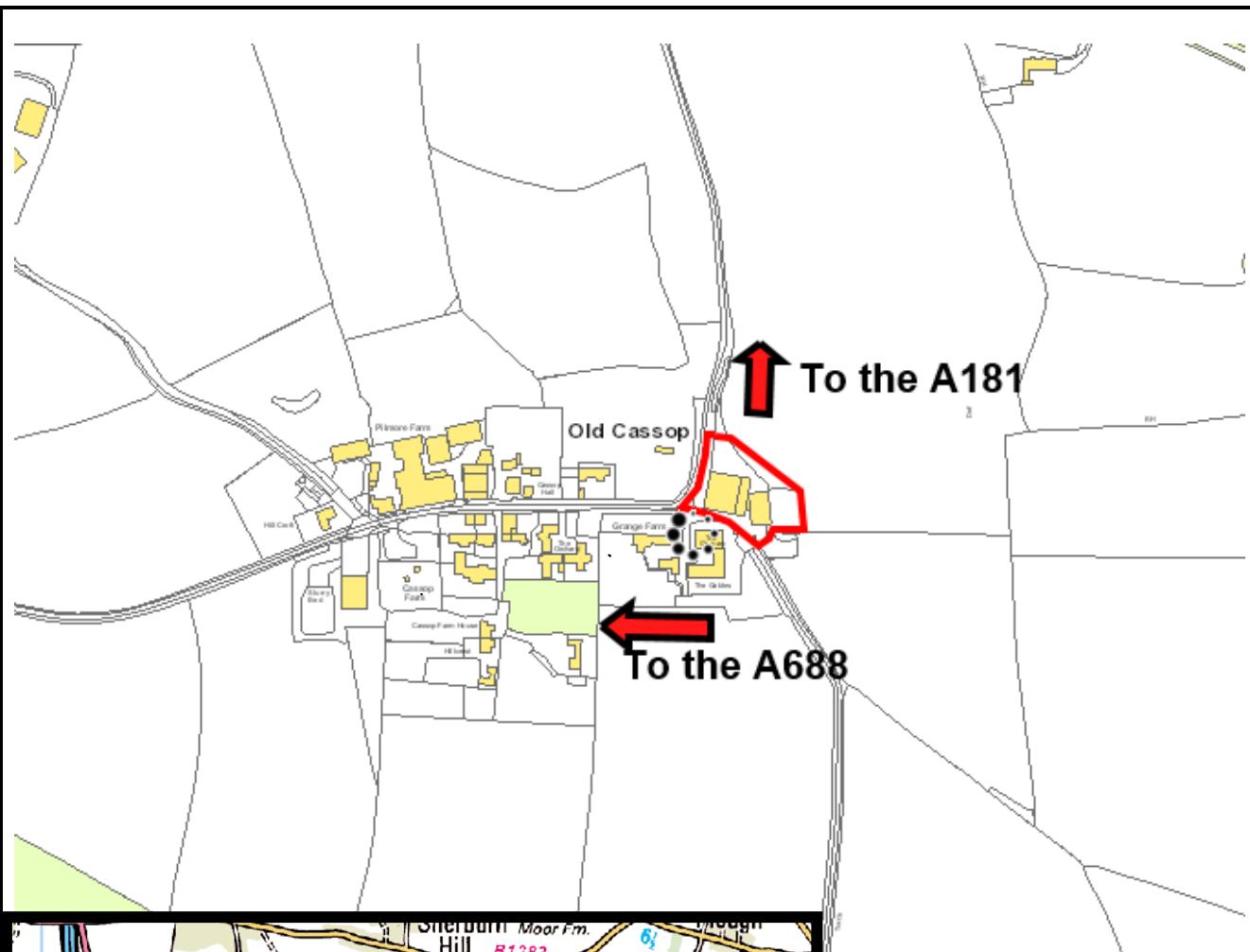
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



Planning Services

Demolition of agricultural building and construction of 7no. holiday let units with associated car parking and landscaping on land to the Land North East Of Grange Farm, Old Cassop DH6 4QA
Application Reference DM/20/02195/FPA

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Date October 2020

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