



## Area Planning Committee (South and West)

**Date** Tuesday 30 March 2021  
**Time** 9.30 am  
**Venue** Remote Meeting - This meeting is being held remotely via Microsoft Teams

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 15 January 2021 (Pages 3 - 14)
5. Applications to be determined
  - a) DM/20/03644/FPA - Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale (Pages 15 - 54)  
Demolition of existing toolroom and warehouse and construction of new warehouse, change of use of existing warehouse to offices and tool room (amended plans reducing height of western warehouse to 6.6m ridge and 5m eaves, drainage scheme, construction management plan, revised site layout plan depicting car and cycle parking received 1.3.2021)
  - b) DM/20/03699/FPA - Land to the south of the Telephone Exchange, Durham Road, Chilton (Pages 55 - 74)  
1no. dwelling with associated access and tree works
  - c) DM/21/00176/FPA - Limekilns Farm, Lonton, Middleton-in-Teesdale (Pages 75 - 92)  
Siting of 2no Shepherd huts for holiday accommodation purposes and associated works

- d) DM/20/03744/FPA - Building South West of St Annes Centre West End Wolsingham DL13 3AP (Pages 93 - 106)  
Conversion and extension of pavilion to form café/kiosk and WC facilities
  - e) DM/20/01603/FPA - Site of former St Peters School, Main Road, Gainford (Pages 107 - 136)  
37 no. dwellings with associated access and landscaping (amended engineering plan and drainage scheme 4.2.2021)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
22 March 2021

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Clare (Chair)  
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

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**Contact: Kirsty Charlton**

**Tel: 03000 269705**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held remotely via Microsoft Teams on **Friday 15 January 2021 at 9.30 am**

**Present:**

**Councillor J Clare (Chair)**

**Members of the Committee:**

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, L Brown, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

**Also Present:**

Councillor L Maddison

**1 Apologies**

Apologies for absence were received from Councillors E Huntington and G Huntington.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on were agreed as a correct record to be signed by the Chair.

**5 DM/20/01831/FPA - Shieldfield House, Loggins Farm, Tudhoe, Spennymoor**

The Committee considered a report of the Planning Officer with regards to the change of use from Dwelling House (C3) to Residential Institutions (C2) - for 3 children between the age of 8 - 18 and associated support staff at

Shieldfield House, Loggins Farm, Tudhoe, Spennymoor (for copy see file of minutes).

Councillor L Maddison confirmed that this application site was not within her electoral division however it would have a direct impact on residents who lived there, some of which had contacted her with concerns about this application.

The property was next to main pathway between Coxhoe and Tudhoe, used by children travelling to the primary school and families regularly walked or cycled along it. The footpath was adjacent to the busy B6288 road which was a main route to Durham from Spennymoor and the surrounding areas and was also used as shortcut from Bishop Auckland. Leaving the 30mph road, motorists often overtook at 40mph on a bend and incline where Shieldfield House was situated. A speed traffic monitor had been placed on this road due to the safety concerns of residents.

Councillor Maddison advised that parking on the road outside of Shieldfield House would be hazardous and the report stated that would be two staff members, a Manager and an additional staff member on site. For the number of staff required and visitors from other services, the driveway was inadequate and there was no turning circle. She had witnessed residents reversing out of the property onto the road and visitors would likely need to park on the road, with double garage having to be utilised for parking.

The report recommended that children from County Durham should be placed in the home but there was not a condition to ensure that would be the case and the police had advised that children from out of the county were more likely to abscond.

Police had also confirmed that whilst low level of issues in this area they were also responsible for Spennymoor area where in the six months previous they had dealt with significant number of issues relating to missing from home children. This was resource intensive and therefore directed resources away from other areas. A home for children with such needs could place increased demand on the police and children's services. These were the reasons a similar application in Spennymoor had been rejected by the police and objected to by residents.

Councillor Maddison advised that an electrical transmission pylon was situated in close proximity to the property and a second across the road and she had read a significant number of technical reports about the health implications of living near these pylons.

She asked the Committee to reject the application on the grounds of highway safety and inadequate access, no local need, increased demand on police services and the effects on residents' mental health and wellbeing.

Mrs Serajian, objector, confirmed that she had lived in her home opposite the proposed development for 20 years and had never felt as afraid and frightened as she did about this development.

She continued by focusing on the objections summarised by Croxdale and Hett Parish Council and raised by almost 60 local residents;

- The location of a children's home in a small village with limited facilities to keep young people occupied and the proximity of the Tudhoe Colliery Primary School – many of the children walked past the proposed development site on the way to school
- The potential increase in crime and anti-social behaviour caused by the facility and concerns that the local community would live in fear of such activities, undermining community cohesion and impact negatively on the character of the area
- Lack of need – County Durham had more children's homes than any other county in the country
- Security – as with the HSE initial concerns over the dangers and the potential increase in demand on the emergency services, mainly the police
- Insufficient access - Car access and parking unsatisfactory particularly at shift change and family visits
- Inexperience of the applicant who had never operated a children's home and no track record to ensure it would be adequately and safely operated

There had been previous applications by the applicant for the change of use of other dwellings to children's homes (one of which was in Spennymoor), which had not been supported by the Councils Children and Adults Services or Durham Constabulary.

Durham Constabulary had previously expressed concern about the number of residential care homes in the area and this proposal could increase the existing anti-social behaviour in the area. The police had also acknowledged that a rural location could be problematic if children went missing from home and could increase fear of crime in the community.

Spennymoor was the nearest town and had already suffered a significant number of incidents involving missing from home young people, which had

proven to be resource intense. The police had advised that placements should be from the local area as children out of area were more likely to abscond, however this was not guaranteed.

Child and Adults Services had advised that a Durham first approach was being adopted so that children from County Durham would have the first option of being placed but this was not guaranteed. On previous similar applications Children and Adults Services had advised that there was no local demand so it was more likely that children would be from out of the area.

The Planning Officer had referred to the Local Plan Policy 18, Children's Homes which stated that the development should have no unacceptable impact on the character of the area and it would not impact on the quality of life or community cohesion through fear of crime. She referred to part 8 paragraph 91 of the NPPF, which sought that planning decisions did not undermine the quality of life or community cohesion.

Mrs Serajian asked the Committee to refuse based on the concerns raised by the Parish Council and nearly 60 local residents who believed it would impact on their quality of life. She also asked the Committee to consider the proximity of the school and concerns raised by police.

The Principal Planning Officer confirmed that Children and Young People's Services had confirmed that they struggled to find appropriate regulated placements within the County and identified gaps for smaller residential homes for these specific types of children with emotional and behavioural needs. Condition 3 required the applicant to agree a management plan to be formulated in conjunction with Children and Young People's Services and Durham Constabulary to ensure a Durham first approach was embedded into their strategies.

With regards to the response from Durham Constabulary, they had highlighted the pressures in the area that these uses generated but had ultimately come to the conclusion that the location was acceptable due to the number of children proposed to be accommodated in the home. In addition, it was in a transitional area of rural/urban environment. Fear of crime and community cohesion was a material planning consideration but overall, the police felt the size of the scheme would not tip the balance.

The Principal Planning Officer confirmed that the proximity of the pylons to the site was not felt to be an issue and he advised that it was currently a 6 bedroom residential property. The Highways Authority had raised no objection with regards to highway safety and therefore an objection on highways grounds could not be sustained.

The Castle Group had been liaising with Children and Young People's Services who had not raised any objection. With regards to previous applications, the Principal Planning Officer advised that they had faced different challenges but reminded Members that all applications had to be determined on their own individual merits.

Mrs M Kelly, supporter, confirmed that she would focus on the objections raised. The proposal was for a 3 bedroom children's home for an age range of 8-18 years. The home would be focused on young people with emotional and behavioural difficulties, which were often as a result of trauma.

The property would operate shifts from 9am to 9.30am the following morning to have consistent staff which assisted with behaviour management. They would build in the additional scope to deploy a third member of staff if needed. Areas that would require police involvement would mainly be children missing from home and anti-social behaviour, however having had 8 years experience working in this environment, challenging behaviour could be avoided with behaviour management and encouraging positive behaviour.

With regards to parking issues, there would be two members of staff on shift who would often car share and would not leave the site until the end of their shift. There would be a car allocated to the home to transport the young people to appointments or educational settings and the potential of a third vehicle for the additional member of staff. As Manager, she did not travel to work in a car and she confirmed that any appointments from external organisations would be carefully managed through diary appointments.

To reduce the feel of an institutionalisation the key was to create a warm environment where young people felt safe, keeping visitors minimalised and therefore it would not be appropriate to have people visiting often. Many of the meetings would take place off site and there would be no need to park vehicles outside of the premises.

Many of the children were trauma based and the proposal would deliver support and nurture to a high level, which reduce crime and antisocial behaviour.

The Principal Planning Officer reiterated that a condition was proposed for a management plan to be submitted with input from key consultees and this could include a strategy to ensure effective car parking on site.

In response to Councillor L Brown, Ms Kelly confirmed that she was the proposed Manager for the children's home. Councillor Brown noted that there was no statement of community involvement attached to the application and asked what steps had been taken to reduce residents' fear or crime and

referring to her statement asked how she would promote positive community spirit.

Ms Kelly confirmed that the young people would be supervised consistently, even when out in the community. Only when a young person was safe, comfortable and engaging positively would they be allowed to go into the community unsupervised. They would engage in various in house activities and any external activities would be supervised, the location of which would depend on whether activities were available in the local area or city centre. She was not fully able to answer as it would be dependent on the young people's needs, age and interests.

Councillor Maitland asked for further details of the shift patterns and Ms Kelly confirmed that the Manager working from 9-5 Monday to Friday and there would be two staff on each shift with a team of ten altogether. They would work on a rotation basis, starting at 9am and completing a 15 minute handover. They would go to bed at 11pm at night, with the young people and the following day they would handover at 9am. The reason why they kept staff to a minimum of two members of staff on a shift, was that it built relationships with the young people and staff members, and from experience consistency managed behaviours.

Councillor Richardson confirmed that he was a member of the Corporate Parenting Panel and wondered why the applicant had applied, having had no experience of running a children's home. There were some concerns with regards to unregulated children's homes that the Council had no control over.

Ms Kelly confirmed that she was aware that one Member of the group had a background of helping young people within the community and that all work within the home would be regulated by Ofsted and would follow legislation and safeguarding procedures.

Councillor Jewell referred to the parking issues raised and asked for clarification of the capacity of the garage and in curtilage parking, noting that there were no objections from the Highways Authority

The Principal Planning Officer referred to the proposed site plan and confirmed that there was capacity within the garage for four vehicles and room for another two to three vehicles in curtilage vehicles. He advised that the access would be retained, there were some gates set back from the highway and a wide access road. No objections had been raised by the Highways Authority. He confirmed that there was scope to manoeuvre vehicles depending on how many were parked.

The Principal DM Engineer confirmed that the parking provision was suitable for a six-bedroom property and given the number of people who would be

working and living at the site, there would be no material change to the number of vehicles. In terms of the access, there had been no accidents and there was not expected to be an increase or an increased problem with vehicles moving in and out of the property. The road was restricted to 40 mph but this was a wide road with adequate capacity and the visibility afforded from the access was more than adequate for the speed of vehicles on the road.

Councillor Zair referred to youths congregating outside of a similar home in his division and asked whether there was a strategy to ensure this would not happen. Ms Kelly responded to confirm that if young people had friends coming they would be invited into the property or they would meet friends off site. She advised that there would be no need to congregate at the front, there was ample room within the boundary of the property and inside to meet. If they were not appropriate friendship groups, they would be challenging it.

Councillor Atkinson confirmed that he was looking at a change of use proposal for three children. The issues raised directly involved the management of the home. Most of the objections could be dealt with if the home was managed correctly. He considered the difference this could make to these young people's lives to be beneficial and if there were issues in future, which was only a presumption, he believed they could be dealt with by relevant bodies and therefore he was minded to approve the application.

Councillor Jewell confirmed that this was an emotive subject however the fears were based on assumptions by the objectors. If this house stayed the way it was now, this would not guarantee that those fears were alleviated as a family of 6-8 people could move and cause the same fears relating to highways, parking and fear of crime. He confirmed that he was minded to approve.

Councillor Richardson confirmed that he was a member of the Corporate Parenting Panel and in the past had visited many children's homes and residents were right to be concerned. Often the staff knew where these young people were however they had to be reported missing. He sympathised with residents but he had experienced the amount of good that children's homes had done for damaged children, despite them making some mistakes along the way.

Councillor Brown said that policy stated that the applicant must alleviate the residents fear of crime and she did not feel that they had done that. She asked if something could be added to the management plan to alleviate those concerns and the Principal Planning Officer confirmed that the condition could be amended to set up a community engagement forum for residents and management of the care home to engage on a regular basis.

Councillor Brown asked for details of the inspection regime of private children's homes and Paul Shadforth confirmed that if subject to Ofsted it would be the same as DCC ran homes.

Councillor Blakey confirmed that as Coxhoe division she had attended Croxdale and Hett Parish Council meetings and had serious concerns about this application. She had no objection to children's homes, she had had both private and DCC homes in her area and problems with both, but there was no guarantee that children placed would be from County Durham. There were concerns with the speed of traffic which had been ongoing for six years and more recently increased since the installation of a bus lane. Young children walked from Coxhoe to Tudhoe and she believed the access and egress could cause a problem despite the comments from the Highways Authority.

Councillor Blakey advised that police had to be called when a child went missing from home and when considering activities locally and Spennymoor Town Centre already had major antisocial behaviour problems. Durham City Centre was not suitable for young people either.

With regards to community involvement, Councillor Blakey could not foresee any engagement as this was a rural house, she considered the location to be unsuitable and noted applications for other private and Council ran homes, which confirmed that there was a need, but not in this location. She was minded to vote against the recommendation.

Councillor Atkinson moved the recommendation for the application, seconded by Councillor Jewell subject to the amendment of condition 3.

Councillor Brown proposed going against the recommendations, subject to paragraph 5.186 of the NPPF seconded by Councillor Blakey.

**Resolved:**

That the application be approved subject to the conditions outlined in the report subject to the amended condition 3 as follows;

Before the building is occupied, a management plan for the children's home which shall include the level of staffing, level of staff training, a policy relating to the geographical placement of children in the home that includes the clarification that Durham County Council children will have priority, and a policy for the establishment of a community engagement strategy and forum, shall be submitted to and approved in writing by the Local Planning Authority. The management and operation of the site shall thereafter be adhered to in accordance with the approved document.

**a DM/20/03305/FPA - The Oaks Secondary School, Rock Road, Spennymoor**

The Committee considered a report of the Planning Officer with regards to an extension to the school, relocation of external gym area, additional parking and extensions to car park at The Oaks Secondary School, Rock Road, Spennymoor (for copy see file of minutes).

Councillor Maddison, Local Member, confirmed that the report had detailed her representations and that some action had been taken to alleviate her concerns. She referred to traffic issues along Rock Road which had resulted in road markings and the installation of bollards, confirmed that further road markings were still to be completed.

Councillor Maddison confirmed that vehicles transporting children, which were usually minibuses, parked up on Rock Road in advance of the school gates being opened. The vehicles were tailed back to Kirk Merrington and pedestrians had to cross the road between parked cars.

Councillor Maddison had asked Planning Officers to look at car parking arrangements and they had done so, providing an additional ten car parking spaces. She referred to the document which indicated the number of staff attending the school and highlighting that the visitor spaces were occupied by the staff and it was therefore extremely difficult for to park on site.

She continued that there were 140 staff and 73 existing car parking spaces and the proposal would increase this by 42 spaces. This was not enough as staffing was to be increased by 22 leaving a shortfall of spaces. There would also be an increase in large vehicles queuing along rock road due to the increased school capacity. Councillor Maddison referred to the large grassed area between the perimeter fence and the building and asked why that was not considered to be parking provision when the application was below the normal requirement.

Councillor Maddison confirmed that she did not object to the application as this was a good school providing much needed facilities, however she had concerns from residents and local members with regards to the parking on site and the vehicles on the road, that she would like to overcome.

There had been the introduction of a travel plan but when the building was finished and there was additional traffic she asked for a further review to take place to see if there was a possibility to create additional parking spaces.

Councillor Blakey referred to the green area within the school and asked whether consideration had been given to a loading road on the site and

Councillor Brown sympathised with the residents and queried the public transport arrangements on Rock Road.

The South and West Planning Team Leader responded to suggestions on additional parking provision and advised that the school needed to be able to operate as a special school with pupil needs and to start removing green space may result in objections from Sport England. He advised that when the application was first approved in 2003 it had 43 spaces which was an over provision at the time. There was a limit to what could be done in terms of additional parking without affecting the way the school operated. With regards to issues off site, it was particularly quieter at this part of Rock Road and issues tended to be further up towards the other primary school, something which was not able to be alleviated by this application.

The Strategic Manager (SEND Strategy, Asses) spoke on behalf of the Applicant and confirmed that the extension was in response to the strategic intention set out by the Council for children and young people with SEND who needed support to stay in education. This was detailed in the High Needs Block report which went to cabinet on 15 January. This had been agreed in order to look at local services rather than the use of high cost, independent provision which was out of county.

The Cabinet further agreed to continue work with Head Teachers in special schools to extend the range in County Durham. He continued that the strategic need was to accommodate a specific group of children with autism which required high levels of staffing. The reason for choosing The Oaks site was that it was a central school and young people attended from all over the County. Most went to the nearest and most appropriate but parental preference had to also be considered and this was a quality school, with Ofsted rated outstanding provision and this guided preference and also decision making, to build on excellence.

Despite challenges with transport this was quite a new provision and there was a large and extensive playing field. It had been considered however was not appropriate due to playing field and green field strategies.

The Principal DM Engineer advised that there were bus routes running around the area, although not directly outside of the school which had been considered with regards to parking provision. The site was just on the periphery of the 800m accessible walking route from the Town Centre, which would have reduced the parking space requirement within the Councils policy. Because it was just outside of the 800m, the Highways Authority had required as many spaces as could be provided. In order to provide more they would have to remove some of the grassed areas that were playing fields and that would create a risk of an objection from Sport England.

The Principal DM Engineer confirmed that they had also considered whether a layover position could be provided and the options which were considered would require removal of green space and would create safety issues. With regards to visitor parking, there would be dedicated visitor bays provided.

The Chair reminded Members that the Committee could not amend the plans they could only consider the application in front of them.

Councillor Tinsley confirmed that the application had been called in on grounds of concerns relating to traffic generation, highways safety, road access, adequacy of parking and road access but there had only been one public representation received and it was neither for or in support or objecting to the proposal and therefore he did not see it was an issue in the local community.

Councillor Jewell advised that as a country we were trying to reduce the use of cars and yet a parking application that was in part driven by additional parking spaces. Also trying to use the planning process to address the taxi vehicles when there were other processes that could

Councillor Shuttleworth confirmed that this application would benefit children in County Durham and moved the recommendation for approval, seconded by Councillor Tinsley.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/20/03644/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing toolroom and warehouse and construction of new warehouse, change of use of existing warehouse to offices and tool room (amended plans reducing height of western warehouse to 6.6m ridge and 5m eaves, drainage scheme, construction management plan, revised site layout plan depicting car and cycle parking received 1.3.2021)
<b>NAME OF APPLICANT:</b>	Mr Stephen Shaw
<b>ADDRESS:</b>	Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale, DL12 0TN
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Amy Williamson, Senior Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site measures 0.71ha in area and is located on the southern fringe of the Village of Middleton in Teesdale to the south west of the County. The application site comprises around 0.31ha occupied by the existing premises including single storey brick buildings, dating from around the 1980's, and more modern commercial buildings clad in corrugated sheeting and a yard/parking area, together with around 0.4ha of land currently in agricultural use to the south. The site is operated by Technimark who principally manufacture plastic injection moulded components for the medical, pharmaceutical, and healthcare industry. The site currently employs 92 staff and operates across various shift patterns 24 hours per day. The existing Technimark site is considered to fall under a B2 general industrial use
2. Access to the site is taken from the adopted highway Gas Lane, at the north-eastern corner of the site that leads to a central courtyard providing parking and delivery access. There are pockets of undeveloped land and landscaping areas scattered around the site.
3. Immediately to the north of the site lies a paddock containing an agricultural building with allotments/gardens behind. Planning permission DM/18/00120/FPA and DM/20/00039/VOC granted consent for erection of a new build dwelling in the paddock to the north of the Technimark site, however this has not yet been constructed. Beyond the paddock, St Aidans Chapel, a mid 20<sup>th</sup> century building, adjoins the B6282

on a triangular shaped site between Dale View and Gas Lane. To the east lies the highway Gas Lane, where a range of existing civic buildings including the fire station, village hall and primary and nursery school of late 20<sup>th</sup> century modern appearance are located. A cricket club, sewerage works, other industrial premises and a dwelling known as the Gables, lie further south along Gas Lane beyond the extent of the adopted highway. To the south of the site an undeveloped agricultural field leading to the River Tees is located along with footpath no. 49 (Middleton in Teesdale)

4. Land to the west of the site is of residential character, comprising a series of historic terraced dwellings at Newtown and River Terrace. Dwellings continue northwards along Masterman Place and Dale View to meet the B6282.
5. The existing Technimark premises and field to the south proposed for the extension lie within the Middleton in Teesdale Conservation Area and within a designated area of higher landscape value.

### The Proposals

6. Planning permission is sought for the demolition of an existing tool room towards the eastern site boundary and a warehouse to the southern boundary. The development would facilitate a reconfiguration of the internal site layout and the expansion of the site on the existing agricultural field to the south.
7. A new 1890sqm warehouse is then proposed to be constructed to the south of an manufacturing building to the western boundary of the site. The building would measure a maximum of 57.3m in length and 37.2m in width. The building would have two pitched roofs, one measuring 8m to ridge height and 6.3m to eaves height and the other on the lower western element, would be at a reduced height of 6.6m to ridge height and 5.3m to eaves, following the submission of amended plans. The building would be set in a minimum of 13.8m from the western site boundary and a distance of 7m from the southern boundary.
8. The warehouse would be finished externally in green profiled sheet cladding, to match existing buildings on the site of similar appearance. The warehouse would be accessed via roller shutter doors to the east side leading to an external lay down/storage area. Although the submitted plans indicate the new building would be used as a warehouse, the applicant has confirmed that if there is a need for additional manufacturing space in the future, the building may be used for manufacturing operations as part of the wider B2 (general industrial) use of the site.
9. An existing warehouse to the south east corner is proposed to be converted to a tool room and offices. A new glazed lobby would be added to the northern elevation, which would also feature a natural stone plinth and lobby walls, larch and merlin grey composite cladding. Offices attached to the existing manufacturing building within the centre of the site are proposed to be changed to staff welfare facilities.
10. A new 38 space car park would be provided to the east of the new warehouse building and an additional 16 no. parking spaces provided to the north of the converted tool room and office building. In total 83 parking spaces would be available within the wider site, comprising both the existing and proposed car parks.
11. The proposal would involve the loss of 12 no. trees within the existing landscaped area on central and eastern parts of the site to accommodate the development. Screen planting of the proposed warehouse would be provided immediately to the west of it and a 3m high native species hedge and rebuilt drystone wall is proposed to the

southern boundary. Further tree planting and soft landscaping are proposed within the site and along parts of the eastern boundary.

12. The applicant has stated that the proposed development is required to expand facilities on the site. Technimark produces medical, pharmaceutical and healthcare goods, some of which are used to fight the covid19 pandemic and for the roll out of the vaccine programme. As such there has been a substantial increase in orders during 2020 and additional space is required to meet increasing demand. It is stated that this is forecast to lead to an increase of around 30-40 jobs at the site, ranging from manual labour to skilled positions and would include apprenticeships for younger people.
13. The application has been called to committee at the request of Councillor Richard Bell, to allow the impacts on the Newtown area to be considered given the scale of the development and potential noise issues.

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## **PLANNING HISTORY**

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14. The small brick industrial units on the northern side of the site were first established in the early 1980's and extended to the south and west sides during the late 1980's and 1990's. Planning permission 6/2005/0143/DM granted consent for a further extension to form the manufacturing building to the south west side of the site. Planning permission 6/2014/0012/DM granted consent for the storage building situated to the south east corner of the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

15. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
16. *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 plan-making and decision-taking is outlined.
17. *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.
18. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the

country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
25. *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.
26. *NPPF Part 17 Facilitating the Sustainable Use of Materials* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations;; use of planning conditions; and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan (CDP)

28. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
29. Policy 2 (Employment Land) Policy 2 supports development of and extensions to B1, B2 and B8 developments within specified employment allocations, but also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken for employment uses, and that the use would not compromise the main use of the site for B class uses and would comply with retail Policy 9 where main town centre uses are being proposed.
30. 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.
31. Policy 10 (Development in the Countryside) states that development 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, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
32. Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources). Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Soil on previously undeveloped land should be properly managed.

33. 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 should have regard to Parking and Accessibility Supplementary Planning Document.
34. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
35. 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.
36. 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 they 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 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.
37. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
38. Policy 35 (Water management) requires all development proposals 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
39. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
40. Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB)) sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development

in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.

41. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
42. Policy 40 (Trees, woodlands and hedges) states 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.
43. 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.
44. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
45. 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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
46. Policy 56 (Safeguarding Mineral Resources) states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

47. *Middleton in Teesdale and Newbiggin Parish Council* – Support the application. The following issues of concern were raised:
- Is there scope to reduce the height of the buildings
  - Is it possible to clad the exterior of the buildings in stone to reduce visual impacts
  - The existing site generates excessive light pollution and also blocks light to the southern section of Gas Lane
  - Noise from the existing site has created problems in the past, noise reduction/mitigation is essential should the development proceed
  - Traffic movements along Gas Lane could be potentially dangerous given existing uses, in particular during school dropping off and picking up times
  - It is queried whether there is adequate space within the site for the tree planting indicated. New trees should be mature/semi mature to provide screening as quickly as possible rather than use of whips/saplings
48. *Highway Authority* – Following the submission of amended plans and other supporting information, advise that on-site parking provision, relative to cited employee numbers both existing and proposed, would clearly improve materially compared to existing provision. In that respect, it is noted that the site is in a small town located within a rural area and that car borne transport is the likely chosen method of transport for many employees, in particular those living outside the town, and will continue to be favoured. Accordingly, and not least due to a desire to avoid adding to parking demand external to the site, or prejudicing the adopted head turning head facility located within the site, in-curtilage parking provision is important. Shift changes are likely to be periods of highest total demand. In-curtilage parking ratios relative to cited staff projections would materially improve under these proposals and car-share and EV parking spaces are now shown on the amended site plan, together with cycle parking provision. Car parking should be demarcated by white lines to maximise capacity and utilised for parking only and not for any other purpose, this should be agreed by condition.
49. The estimate of additional employees is 33. no. over 5 years with an increase in commercial vehicle movements of an average of 9 vehicles across a working day. On an hourly basis this is not deemed material to the continued use of Gas Lane. The application makes clear the respective peak periods of existing Gas Lane usage (school pick up and drop offs) are acknowledged by the applicant and that where possible commercial traffic is encouraged to avoid such periods.
50. Previous comments about kerbed protection of DCC lighting column no. 187 (at SE corner of turning head) do not appear to have been addressed in the amended plans and it is shown within an area of trafficked carriageway. The column should be protected by a kerb in line with the original comments or as an alternative relocated by DCC to the block paved footway immediately to the east, at the applicant's expense.
51. *Drainage and Coastal Protection* – No objections subject to condition requiring development to be carried out in accordance with Flood Risk and Drainage Strategy and to agree the final design of the drainage scheme.

52. *Natural England* – Advise that based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and therefore no objections are raised.
53. *Environment Agency* – No response received

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

54. *Archaeology* – Advise that there are no known heritage assets within the proposed development area and none nearby which would suggest high potential for undiscovered below-ground remains. There is therefore no archaeological objection to the proposals.
55. *Design and Conservation* - The application site lies within the Middleton in Teesdale Conservation Area and as such the impact of the proposal on the significance, character and appearance of the designated asset should be a primary consideration in the determination of this application. The submitted heritage statement fails to identify the appropriate significance of the site or reach any substantiated conclusions on the impact, however an improved statement is unlikely to change the heritage and design conclusions. The design of the elements, other than the proposed large warehouse are all considered acceptable, they take a different design approach to the existing buildings, but it is complimentary and adds some modern detailing to reflect the new uses and increase in scale. The proposal is considered to be in conflict with some elements of Policy 44 of the County Durham Plan by virtue of the scale and massing of the new warehouse building causing less than substantial harm to the character and appearance of the conservation area especially the localised rural setting of the New Town character area and the incursion in to the green buffer which wraps around the conservation area in a southerly direction to the river, albeit a significant area of green buffer would be retained between the proposed building and river. It is advised that this localised and less than substantial harm be balanced against any discernible and deliverable public benefits in the determination of this application in accordance with para. 196 of the NPPF.
56. *Ecology* – Originally noted that areas of habitat creation as detailed in the Ecological Report and bird and bat boxes should be depicted on the proposed plans to give confidence of delivery and advise this has now been achieved following submission of the drawing no. L020033-018 Proposed Landscaping Principles. A condition requiring implementation of the development in accordance with the metric calculation, drawing no. L020033-018 Proposed Landscaping Principles and the recommendations detailed in Section 5.1 of the Ecological Appraisal Assessment report (Naturally Wild, November 2020) is recommended.
57. *Environmental Health Air Quality* – Following submission of confirmation of construction and operational vehicle movements, it is advised that flows will fall well below the screening criteria set out in Institute of Air Quality Management and Environmental Protection UK guidance to suggest the potential for significant effect. Additionally it has been confirmed there would be no onsite energy plant. As such there is no requirement for an air quality assessment. No Objections are raised
58. *Environmental Health Contaminated Land* – Raise no objections, are satisfied with the conclusions of the Phase 1 and Phase 2 Contaminated Land Reports and advise there is no requirement for a contaminated land condition.
59. *Environmental Health Nuisance* - Notes that no previous complaints have been received in relation to issues of noise, dust or light issues. The development has the potential to be noise and odour generating during the operational phase and noise and

dust generating during the demolition/construction phase; there are several nearby sensitive receptors within close proximity. The noise and odour assessment have followed appropriate methodology and selected appropriate receptors, they have been undertaken by appropriately qualified consultants and the findings and conclusions of the assessments are considered satisfactory. Conditions restricting the use of forklift trucks outside to 6am-10pm, deliveries to 8am – 7pm, to agree details of external lighting and to control construction working hours are recommended.

60. Following submission of the updated CMP, the Officer advises this is satisfactory to ensure there would not be adverse impacts during the construction phase. A condition is recommended to ensure compliance with the CMP.
61. *Landscape* – Advise that the development would extend the industrial estate and its associated character further south towards the river Tees. The scale of the development will generate some negative impact on the setting of the adjacent conservation area. The proposed development will also locally negatively impact on the adjacent Area of Higher Landscape Value and AONB through intensification of use and inclusion of larger area of car parking. The development will be visible in elevated view points within the landscape to the north and south of the site. It is requested that trees are incorporated in the hedgerow to the southern boundary to provide enhanced screening and that the roof of the warehouse is coloured grey and uses non-reflective materials to help reduce landscape impacts.
62. *Spatial Policy* – Advise that Policies 6, 29, 31, 39 and 44 will form the key policy considerations for assessing the principle of development on this site. It is considered that the site is well-related to the settlement pattern and form and the development proposal should be assessed against, and has the potential to accord with, Policy 6. Given the scale, design, materials and positioning of the proposed development, it is considered that it has the potential to accord with Policies 29 and 44. Policy 31 concerns residential amenity, however this has been dealt with by the applicant in their Noise Impact and Odour surveys. Policy 39 in particular directs that development affecting AHLV's will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. In line with Policy 44, development proposals must also respect the setting of the historic assets. This should be taken into consideration when designing the scheme, particularly relating to the layout, design and materials used. Development proposals will need to demonstrate that they achieve the principles of accessibility and sustainability in accordance with Policy 21.

#### **EXTERNAL CONSULTEE RESPONSES:**

63. *AONB Partnership* – Note the site sits outside the boundary of the North Pennines AONB but would be seen from a number of key views within the AONB. The development as proposed will have an impact on views from within the AONB, with a new somewhat intrusive and out of character feature being added to the landscape. Mitigation including tree planting, colour choice for walls and roof should be included although it is considered this would not balance the impact. Ensuring that the carpark is accommodated into the setting will require particular attention. Request to be involved in discussions about the nature of biodiversity net gain.
64. *Northumbrian Water Limited* – No objections

#### **PUBLIC RESPONSES:**

65. The application has been publicised by way of 2 no. site notices, a press advertisement and individual neighbour notification letters. An online public consultation event was

held on 24 February local residents were able to ask technical questions regarding the development proposals.

66. 30 no. letters of objection have been received in response, with a summary of the key areas of concern as follows:

#### Impacts on the Character and Appearance of the Surroundings

- Due to its large scale, mass and appearance, the development would have significant adverse impacts on the character of the village and conservation area, in particular the sub area of Newtown, constructed in the early 1800's by the London Lead Company. The character of the conservation area would not be preserved or enhanced, contrary to relevant legislation. More recent developments at the site have already eroded the character of the conservation area.
- It would result in the loss of a key area of green open space and would be an eyesore in views across the landscape and from public rights of way, eroding the natural beauty of the special landscape character.
- The development would have adverse impacts on the special landscape character of the North Pennines AONB.
- The height of the building should be lowered and a more suitable palette of materials used.
- The Design and Heritage Statement refers to a sub area created by existing modern buildings along Gas Lane. If it is considered these existing buildings already spoil the character of the village, then adding the proposed industrial extension will create even further disharmony.
- The site originally comprised a series of small starter units, which were carefully designed and better related in terms of their scale and design to the character of the village. The original purpose of the site has been lost since Technimark and its predecessor have taken over and now seeks to become a large industrial estate
- Two previous extensions to the site have not had regard to the character of the surroundings
- Local residents have been subject to stringent design criteria and use of traditional materials by the Council when carrying out works to their own properties in the past. The approach to the proposed development differs from this by allowing industrial building materials to be used within the conservation area.
- There is scope to reduce the scale of the buildings and provide a more appropriate design for the extension, using sympathetic materials with fewer impacts on the character of the surroundings and local residents.
- Insufficient detail about landscaping proposals is included in the application.

#### Residential Amenity

- There have been previous noise issues at the site, in particular from operations involving the polishing of concrete, permanent low levels of noise from the plant room and manufacturing process, HGVs and forklift trucks, shift changeovers during the night, together with music being played when windows are open. These would be worsened as a result of the development and would detract from the tranquil nature of the surroundings.
- The existing site is excessively illuminated at night. Some security lights shine directly to residents bedrooms causing significant disturbance. The application does not include a lighting assessment and the development is likely to lead to additional light pollution and affect the character of the conservation area. It is noted that the AONB is a designated dark skies area.

- The most recently erected warehouse, constructed in 2014, has resulted in a loss of light along the southern part of Gas Lane, meaning it is difficult for residents to use in the dark.
- The new warehouse would be situated immediately behind properties on Newtown and would dominate and obscure the view, it would not be a desirable outlook from these properties. The Newtown properties have their frontage to the east elevation overlooking the gardens and the application site.
- The property to the south of Gas Lane already has adverse views of the factory, the development would block all remaining views and result in a loss of privacy to these residents.
- The development would create more opportunities for people to hide, which could result in increased crime to surrounding residents.
- The development would result in a loss of light and over bearing impacts to properties on Newtown, largely resulting from the height of the buildings. A daylight assessment should be provided to quantify the impacts.
- Residents of Newtown have invested money into their properties over the years and the development would devalue their properties
- Proposed tree planting to the west side of the warehouse will take a long time to establish and would not adequately screen the building. There is also concern that trees could become excessively tall over time and add to the over bearing impacts of the development and could also affect the stability of the existing boundary wall.
- Any damage caused to adjacent properties during construction works should be repaired by Technimark or their contractors
- Manufacturing is likely to take place in the proposed warehouse in the future in proximity to residential properties which could increase noise pollution
- The plans do not show any windows to the new warehouse. Lighting the building by artificial light only would not be energy efficient. However any windows or roof lights are likely to result in light pollution within the local area during hours of darkness.
- There is no or little screening to the east of Newtown gardens as suggested in the application.
- Adjacent residents would experience a significant loss of visual and residential amenity, in terms of loss of outlook, loss of light, privacy, over bearing, traffic, noise, odour, light and air pollution
- The scheme should be amended to keep manufacturing and HGVs to the east side of the site away from properties on Newtown
- It is suggested that a partnership group is established to take matters forwards in a collaborative manner, so the village can benefit economically from Technimark whilst retaining its residential and historical character

## Highway Safety

- The site access will be unsafe for additional traffic, in particular larger vehicles, given potential conflicts with the school, village hall, fire station and other properties on Gas Lane. In particular this would be dangerous for children attending the local school and worse at dropping off and picking up times. A condition should be applied requiring no vehicle movements associated with the site during school drop off and collection times.
- The number of car parking spaces proposed is excessive and does not reflect the number of employees and the percentage of them identified as driving to work. A smaller car park would meet the demands of the site. If the car park were to be reduced this would provide scope to alter the position of the buildings and reduce their height.
- If jobs are intended for local people, why is such a large car park required.
- The local road network cannot support any additional vehicle movements.
- No transport or traffic assessment has been included with the application.

## The Planning Application

- Dimensions have not been shown on the submitted plans
- The description of the development on the planning application is misleading and does not mention expansion of the site or the change of use of agricultural land. Some residents have disregarded notification letters as they did not set out the true extent of the development. Expansion of the site is mentioned many times in the planning statement but not on the Council's notification letter.
- Some properties were not initially notified of the application and there has been little publicity of the application by the Council.
- The Heritage and Design Statement contains a number of formatting and grammatical errors, which diminishes confidence in its overall content.
- Some adjacent properties, such as River Terrace, that may be affected by the development are not depicted on the proposed site plans.
- Residents have been recently approached about a proposed upgrade to the electricity supply. Concern is raised the development is a done deal given these upgrades.
- Due to the pandemic, residents have been unable to organise a community response to the proposals. Some residents who do not have access to the internet have also been unable to view the plans online.
- The supporting documents forming part of the application are of poor quality. These should be reproduced to a better standard and local residents should be reconsulted. In particular the heritage statement is wholly inadequate and does not meet the requirements of the NPPF and the Council's Validation Checklist.
- There are discrepancies in the number of car parking spaces stated in the application.
- Residents are unhappy about the Parish Council's decision to support the application following a public zoom meeting. Little consideration was given to impacts on the conservation area by the Parish Council and residents views were not taken into account. There was no opportunity at the meeting for residents to reply following the Councillor's debate.
- Planners should view the site from the gardens of adjacent residents. No-one in the Council has discussed the proposals with those most affected.
- There has been a lack of community engagement from Technimark and they did not attend the Parish Council zoom meeting.
- The Council's Public Access Website was not working during part of the public consultation period, restricting residents ability to view the plans and make comments.

## Suitability of Location

- The site is located close to the centre of Middleton in Teesdale and is in a residential area, this is not an appropriate location for a large single occupier industrial site. Technimark have already outgrown the existing site and the proposals attempt to shoe horn in more development in a tight space.
- It is considered likely that Technimark will move away from this site in the future, as further expansion will be required, which would not be achievable in this location. Meaning a vacant industrial site would be left in the middle of the village.
- The site is located outside the settlement boundary of Middleton in Teesdale.
- The adverse impacts of the development would make the area less attractive to tourists, which also makes an important contribution to the local economy.
- The development would be more suitable on an existing industrial estate such as in Barnard Castle or Bishop Auckland.
- The development would conflict with relevant national and local planning policies.
- The proposal is not a sustainable form of development, due to the percentage of employees that drive to the site and as it would involve over dominance of the industrial sector in a small rural area, rather than a more balanced range of uses.

- If approved, the development is likely to set a precedent for future expansion at the site.

## Impacts on Wildlife

- The application site provides a habitat for local wildlife, in particular as an extension of the River Tees corridor. Will appropriate surveys be carried out and relevant bodies consulted to ensure impacts on wildlife are given due consideration.

## Other Matters

- The requirement for such a large extension is not substantiated in the application
- The company's comments in the planning statement about relocating to a new site beyond the travelling distance of many existing employees is considered to be an emotional threat. It is considered more likely that companies would seek to retain staff, rather than spending significant amounts of money on training up new staff in another location.
- Would the extension be constructed in time to assist in the fight against the covid19 pandemic, or would this be substantially resolved by the time the development is complete, rendering it unnecessary.
- There are currently global issues of plastic pollution and increasing carbon footprint, as such production of plastic items should not be encouraged. This is in conflict with the Council's Climate Change Plan.
- Last year Northumbrian Water had to unblock a waste pipe from the factory across the field, was this as the result of plastic particles causing a blockage and potentially finding their way to the River Tees and associated wildlife?
- The company is American owned with 11 sites across the world, profits would not benefit the local area and local people. This sends a poor message to the next generation of letting large businesses take advantage of local, rural communities.
- What measures are in place to deal with a major incident at the site, such as a fire where chemicals etc could combust. Middleton in Teesdale has a poor road network and is often subject to inclement weather during the winter.
- Local residents have not been considered by Technimark in producing these proposals and are seen as standing in the way of the expansion.

67. 10 no. letters of support have been received in response, with a summary of the key points as follows:

- The company provides stable, well paid and skilled employment within the local area, avoiding the need to other areas travel for work
- Technimark adopt flexible working practices and are a good company to work for, many employees have worked there for a long time and these is a family type culture within the company
- The development will ensure employment and job security for local people for the foreseeable future
- Technimark have invested in technology and is recognised as one of the best injection moulding companies within the U.K, winning multiple awards within the industry
- Technimark give back to the local community as much as possible through fundraising for local charities and organisations and the company have also assisted the local primary school with logistics issues
- The company supports a wide range of local businesses, including trades people, shops and hotels, both from employees on breaks and before and after work and visitors to the site
- Other local job losses have recently been announced at GSK, Barnard Castle, which is a significant blow to the local area

- New positions within the company are recruited locally, in particular apprentices
- Employees have been key workers throughout the pandemic and have continued to work throughout manufacturing life saving and sustaining devices, ensuring the supply chain was not interrupted at this critical time
- If the site were to close, many people, particularly younger people, would have to leave the area to find work as there aren't many employment opportunities in this area. The development would keep the younger generation within the village and prevent it from becoming a retirement village or a high level of second homes, which is already an issue with an aging population.
- Many local people are proud to have a successful business operating from Middleton in Teesdale, the development would provide huge benefits to the community in terms of sustaining and creating jobs if approved
- There are vast areas of open space within the Teesdale area, the benefits of this development would outweigh loss of one small area of open space within the village and of a limited number of views
- The impact on tourism will be negligible, the Teesdale Way to the south of the site already passes a sewage works and scrap yard, so the development would be seen within this context.
- Employment is a major national concern following the pandemic and Brexit. The expansion of the company and job creation in this context is only a good thing.

68. Following the submission of amended plans reducing the height of the western warehouse and other supporting information, notification letters were sent to neighbouring residents and others that had previously commented on the application. At the time of publication of the report 15 no. letters of objection had been received raising the following points:

- Dimensions are still not included or cannot be scaled from the amended plans
- Residents have had technical issues viewing the plans on the Council's Public Access website
- The token reduction in height of 1m will have no benefit to local residents. The development is still inappropriate for the site and unsympathetic to the conservation area and AONB. Residents original comments are still valid and issues raised previously are not addressed in the amended plans.
- The 8m high warehouse is unchanged and would still affect the view from adjacent properties and lead to over shadowing of properties and gardens. Given ground levels this could sit even higher above existing properties.
- There is no intention to incorporate green energy into the development, with only 25% provided by the energy supplier produced sustainably, this is unsustainable and in conflict with environmental objectives in the NPPF
- No lighting assessment has been submitted with the additional information
- The quoted number of 20 vehicle movements per day (1 every 35 minutes) does not take into account school pick up and drop off times
- The soakaways could flood and impact on adjacent residents
- Existing streetlights within the site have been broken for some time and have not been repaired which has led to new lighting being erected by the applicant. External lighting at the site should be motion sensor lighting to only come on when required.
- The warehouse to the east of the site constructed in 2013 still reduces light to the southern side of Gas Lane and this issue would not be remedied by the amended scheme. The applicant acknowledged at the public meeting this building was too big to be located next to residential properties, but this has now been disregarded in relation to the current application.
- Residents will experience a loss of privacy from the car park and from windows in the warehouse proposed to be converted to offices
- The car park would generate noise and light 24 hours per day

- The proposed job creation is not guaranteed
- Concern is raised about the long term sustainability of the business in this location and that the company may need to relocate in 5 years time leaving uncharacteristic legacy buildings, this should be considered now instead of the extension
- Some of the employees supporting the application do not live in Middleton in Teesdale
- The reduction in height will reveal even more of the taller building in views from Newtown and would not address the sheer mass of the building
- The materials for the warehouse are driven by cost and this building which would be visible to residents has not been given the same treatment as the offices which would have a more attractive design
- Use of the proposed warehouse for manufacturing in the future is not mentioned on the submitted plans and would result in adverse noise impacts to residents of Newtown. Additional warehousing or further extension to the site may be required if part of the proposed warehouse is lost to manufacturing and traffic is likely to increase once implemented in 3 years time.
- The landscape buffer between the warehouse and Newtown is still a concern, no details of the tree species and size has been provided and should be controlled to ensure trees do not exacerbate light loss
- Technimark should consider a split site now to enable retention of the local workforce and to accommodate growth, this may not be economical but would demonstrate the company's commitment to the local workforce and the village.
- The Highways comments do not refer to the property known as the Gables and the sewerage works which also have accesses down Gas Lane
- The car park is excessively large for the extension proposed and concern is raised this could be linked to further expansion of the site in the future
- Construction works will have unacceptable impacts on local residents, in particular noise and disturbance from construction activities and additional traffic
- Middleton Forge, Hyperdrug, the Auction Mart, the school and fire station are not considered comparable to the proposed development
- The addition of bat and bird boxes is not sufficient to mitigate for the loss of wildlife

#### **APPLICANTS STATEMENT:**

69. Technimark is a manufacturer of plastic components used in the Medical and Pharmaceutical sectors and is currently involved in manufacturing components directly used in the production of the COVID-19 vaccine and the treatment of COVID-19 patients.
70. Technimark are at the heart of the local community and have operated from Gas Lane for over 30 years. In addition to employing over 90 people, 30% of which live within 1 mile of the site and 75% live within 15 miles we also support the local economy through our business with local shops, pubs, hotels and many other trades. Technimark and its staff have and continue to fundraise significant amounts of money every year local charities and local causes such as Middleton School when we supported their direct appeal to help improve the IT equipment for those families whose children were at a disadvantage during lockdown to help their continued learning. Technimark support the local fire station by allowing staff who are retained fire fighters to leave site at any time to help with emergency call outs. Technimark are also a key supplier to GSK in Barnard Castle.
71. This application was made following a significant period of pre-application discussions and further enhancements have been made to the proposals in response to consultee comments and to address concerns raised by the local public. In the last 20 years and prior to our application Technimark have never received any complaints relating to noise, odour or artificial light, we want to be a good neighbour and we will actively

listen to specific concerns and work with our neighbours to overcome any such concerns.

72. This expansion is necessary to cater for increased demand and defined growth over the following years. Technimark have a commitment this year to invest over £1.1m in the expansion, work which will be carried out by local businesses employing local people, we also expect a further £1m plus to be invested in the preceding 12-18 months on equipment and infrastructure. This planned growth will also bring with it employment opportunities for more than 30 local people, jobs ranging from manual labour to highly skilled positions, including youth apprenticeship schemes.
73. There is a risk that if Technimark are unable to expand the current site that the business may need to move out of the area to secure a suitable premise. However, should the expansion go ahead the Technimark can continue to grow at the current rate for the next 5-10 years and become a secure and sustainable business for many years to come. Technimark do not have a plan or a forecast beyond the next 10 years as there are too many variables to consider however the likelihood of the facility closing after that point is low risk due the investment in infrastructure that is expected.
74. Technimark respectfully request that councillors look to support the officer's recommendation of approval to secure the employment of existing employees and create additional employment opportunities for local people.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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75. 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 relate to the principle of development, locational sustainability, landscape/visual impact, impacts on heritage assets, local amenity, highways, flooding and drainage, ecology, ground conditions, and other matters.

Principle of the development

76. 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 (CDP) 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. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
77. Policy 2 of the CDP allocates employment land for industrial and businesses purposes to meet the needs of employment land over the Plan period. However, Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan

which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

78. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the part of the site is considered to fall beyond the built up area of Middleton -in- Teesdale, although recognising that existing development does extend beyond the site further to the south. However, it is considered that the site is well-related to the settlement, and therefore subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 the development is considered to be acceptable in principle.

79. As the application site is located outside of the built-up area of Middleton in Teesdale it is considered to be technically in the countryside, although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan. The proposed development is considered to be one of these forms of development as it is allowed for by Policy 6. Consideration will however need to be given to the general development principles of development within the countryside. This is considered in detail in later sections of the report.

80. The NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means

that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives. These are categorised as economic, social and environmental objectives. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It also stipulates that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In particular in rural areas, paragraph 83 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

81. The development would ensure medium term retention of the Technimark site within Middleton in Teesdale, securing the existing 92 no. jobs at the site and involving the expansion of the business to employ around 30-40 new members of staff in a range of positions from manual labour, to skilled jobs and apprenticeships and increasing turnover to over £15 million over the next 5 years to 2025. Technimark advise that they support a range of other local businesses in terms of sourcing supplies and services, daily essentials and corporate hospitality purposes.
82. The application states that due to the need to expand the business, if it is not possible to adapt the current site further a new site would need to be found as it would be inefficient and not economically viable to operate across 2 no. smaller sites given the nature and scale of production. The identified potential location for an alternative site is over 30 miles away from Middleton in Teesdale, meaning commuting is unlikely to be feasible for many of the locally based employees and could result in job losses in this area. At present 28 of the 92 employees (30%) live within 1 mile of the site and 69 employees (75%) live within 15 miles.
83. Having regard to the economic and employment benefits of the proposed extension, it is considered this broadly reflects priorities for urban regeneration, in accordance with part j of policy 6.

#### Locational Sustainability

84. Policy 6 part f requires that new development within or outside but well related to existing settlements has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 10 part p, states that new development in the countryside should not be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
85. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
86. In this respect, the site is situated in a central position within Middleton in Teesdale around 400m from the village centre and would be easily accessible to local employees residing in the village on foot or by cycling. Similarly shops and services within the village would be accessible to employees during breaks or before or after

work. Access to the site and to services in the village would be at the lower limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".

87. There are east and west bound bus stops around 250m away on California Row to the east and around 420m at Horsemarket to the west. There are a range of daytime services Monday to Saturday to Barnard Castle and Langdon Beck via intervening settlements from these bus stops. Whilst appreciating the business operates 24 hours per day 7 days a week across various shifts and public transport may not be accessible to all employees for this reason, the site would be accessible to some day time shift workers residing in Barnard Castle and nearby settlements via public transport.
88. Whilst given the size of the development there is no formal requirement for a travel plan, Technimark have voluntarily engaged with the Council's Travel Planning Team to promote more sustainable modes of travel to the site. Car Sharing will be encouraged after the Covid19 pandemic, with designated car sharing bays provided. Cycle parking and showers will be provided together with access to the government's cycle to work scheme. Electric car charging points would also be provided on the site. These measures, in addition to the proximity of the site to the village centre and public transport connections, would ensure it can be reached by sustainable modes of travel.
89. Issues of scale and massing are considered in further detail below, however in broad terms the size of the extension would be comparable to other existing buildings including the other industrial premises and the Auction Mart to the west of the village. Service provision within the settlement is also considered capable of supporting the proposed extension of the premises.
90. Having regard to the accessibility by sustainable modes of travel, the proportionality to the size of the settlement and service provision, it is considered the development would accord with Policy 6 Part f, Policy 10 Part p and Policy 21 of the CDP and Part 9 of the NPPF in this respect.

#### Landscape and Visual Impacts

91. Policy 6 part d, of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 10 also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside.
92. Policy 39 of the County Durham Plan states 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. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

93. The boundary of the North Pennines Area of Outstanding Natural Beauty (AONB) wraps around the north and west sides of Middleton in Teesdale. The village itself and the application site are not located within the AONB, however there are elevated, long distance views into the settlement from the AONB. Policy 38 of the CDP states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
94. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. Para. 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
95. The proposed new warehousing and adjoining car park would predominantly be seen in localised views from the Newtown area to the west and the southern section of Gas Lane, which is a private road. The rear lane to the west of properties on Newtown contains tall boundary walls along the western boundary, which together with the presence of the dwellings themselves, trees and other vegetation, restricts views eastwards towards the application site from the public realm, generally only affording limited glimpses through private gardens.
96. There is a larger gap between nos. 3 and 4 Newtown, but the boundary adjacent to the public realm is well screened by tall evergreen hedging, with further vegetation and fencing providing screening in the gardens behind. The view south eastwards through this gap primarily faces the existing industrial buildings and the proposed new building would be seen in the background of these. Accordingly views of the proposed warehouse would be limited from this position.
97. An unclassified road runs parallel to the north of River Terrace culminating with a stone boundary wall. The proposed warehouse would be visible from the public realm to the west of the stone boundary wall and the eastern end of the unclassified road, looking in a north east direction. However, the wall itself, which appears to be around 1.5m in height, outbuildings and the boundary wall to the south of no. 15 Newtown, would provide some partial screening of the development. Although the proposed warehouse is still likely to be prominent in views from here, resulting in some localised visual and landscape harm. This unclassified road does not lead anywhere other than to access dwellings on River Terrace, as such it is most likely to be used by residents and their visitors.
98. Users of the unclassified road from the B6282 along Dale View, Masterman Place and Newtown and in the opposite direction heading northwards, which is used as a link to public right of way 49 on the northern river bank, would only experience limited glimpses of the proposed development. Proposed planting to the west of the warehouse would over time further screen the development from views in this direction. Views eastwards would be seen against the background of the existing industrial buildings and would not result in significant adverse visual impacts.
99. It is acknowledged there would be more direct impacts from dwellings and private gardens on Newtown and River Terrace, which are considered in the residential amenity section of the report below.

100. Views of the development from the public realm to the northern section of Gas Lane and Masterman Place and Dale View, which it is noted is slightly elevated above the site, would be screened by the existing buildings on the northern part of the site. Only part of the roof of the proposed new warehouse would be seen sitting above the existing buildings, in these views from the north. This would be viewed within the context of the existing industrial site and of modern buildings on Gas Lane, including the school, village hall and fire station. As such it is not considered that the proposed new warehouse would have an adverse visual impact in views from the north.
101. The southern section of Gas Lane beyond the entrance to the application site is a private road serving the sewerage works, other industrial premises and a dwelling. There are no public rights of way along this track and it serves only these private premises. There is an existing stone boundary wall to the west side of the private, southern section of Gas Lane, however this would provide little screening. The new warehouse and car park would be prominent in views from the private, southern section of Gas Lane, resulting in some localised landscape harm. However, this is not generally publicly accessible and would only be used by a small number of people accessing existing premises served by the private road.
102. Given topography and intervening buildings and vegetation, the proposed development would not be visible from the B6282 to the north, which is the main road through Middleton in Teesdale.
103. The frontage of the new office and tool room to the east side of the site (converted warehouse) would be visible along Gas Lane following demolition of the existing tool room. However, the frontage of this building would be improved, with large glazed panels, stone work, larch and merlin grey composite cladding. This would enhance the appearance of the building serving as an attractive reception point for visitors to the site and would not have any adverse visual impacts.
104. Public right of way 49, which also forms part of the route of the Teesdale Way, runs along the northern bank of the River Tees around 125m to the south of the proposed warehouse and car park. For a short section of around 100m there would be views northwards towards the development. An existing stone boundary wall immediately to the north of the footpath would provide some screening and this would be enhanced by the provision of a 3m hedge along the southern boundary of the site. The Landscape Officer recommends that a series of trees are also provided within the hedgerow to further soften the upper section of the proposed building. Precise details of all new planting could be agreed as part of a landscaping condition to ensure it is adequate and also to secure its implementation in a timely manner. On this basis it is considered that, whilst there would be views of the development from public right of way 49, these would be partially screened by existing and proposed landscaping features. The development would only be visible for a fairly short section of the footpath, with a linear belt of trees south of the Gables providing screening from the east and existing trees, dwellings and boundary walls at River Terrace providing screening from the west. Having regard to all of the above, visual impacts from public right of way 49 are not considered to be significantly adverse.
105. A further public right of way (no. 1) runs along the southern bank of the River Tees adjacent to Step Ends Farm, located around 180m to the south of the application site. Similarly to public right of way 49 this would have views of the development for a limited stretch, albeit at a further distance away. Views would be partially screened by existing trees along the river banks, together with new planting to the southern side of the site. Given the limited stretch where the development would be seen, the separation distance and existing and proposed screen planting, visual impacts from public right of way 1 would not be significantly adverse.

106. Within the wider landscape to the south of the site, public rights of way 8, 9 and 10, which form part of the Pennine Way, run on a north-south orientation up Intake Hill past the former Middleton Quarries to the south of the River Tees and the B6276. These public rights of way are within the North Pennines AONB and have elevated, long distance views of Middleton in Teesdale and the application site, at a distance of around 650-700m away. Topography and substantial riverside tree planting would screen the proposed development from lower sections of these rights of way, but it would be more visible in elevated locations. The proposed warehouse would be of a large scale and mass differing from the typical form and appearance of immediately surrounding buildings, although it would be viewed within the context of the built form of the settlement, the existing site and adjacent industrial buildings further south on Gas Lane, together with numerous large agricultural buildings on the northern hillside above the village. The warehouse would be visible in these elevated views from the south, resulting in some visual impacts and landscape harm.
107. Topography of the landscape to the northern side of Middleton in Teesdale is shallower and more undulating than that to the south. Public rights of way 43, 46 and 47 run northwards up the hillside close to Stanhope Gate and Spring Hill and have some elevated views over the village looking south west. This area is also within the North Pennines AONB. Views of the application site would typically be at a distance of around 1-1.5km. Existing buildings and trees in the vicinity of the village and topography would help provide screening, however given the scale, massing and appearance of the proposed warehouse it would still be visible, resulting in some visual and landscape harm.
108. The Landscape Officer and AONB Partnership advise that use of an appropriate colour palette to the exterior of the proposed warehouse, together with the new stone wall along the southern boundary and proposed planting, including additional trees within the southern hedgerow, would help to mitigate the impacts of the development. These points are considered pertinent and could be secured by condition. However it is considered that the mitigation would not fully address all visual impacts and landscape harm associated with the development
109. In order to accommodate the development it would be necessary to remove all existing trees from the interior courtyard and north eastern site boundary. These trees appear to date to the original development of the industrial units in the 1980's and are not significant veteran trees. Whilst they do make an attractive contribution to the character of the surroundings and their loss would be regrettable, the scheme does include significant areas of new planting including to the north and east of the office and tool room building from where the existing trees would be removed. It is considered that the trees that would be lost would be adequately mitigated by the provision of new tree and hedge planting on the site, in accordance with Policy 40 of the CDP.
110. Overall the development would be visible from public rights of way within the North Pennines AONB to the north and south and it is acknowledged this would result in some residual landscape harm. Notwithstanding the AONB designation, the site is considered to be viewed as part of the built up area of the village, rather than part of the open countryside. It is well contained by natural and built features and would be viewed as part of the built up area, rather than a feature, or an intrusion into the landscape. Having regards to Section 85 of the Countryside and Rights of Way Act 2000 it is considered that the proposal would not compromise the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the area. As such there would be no conflict with Policy 38 of the CDP and paragraph 172 of the NPPF.

111. There would be some landscape harm, both in local views of the site from the Newtown/River Terrace area and the private, southern part of Gas Lane, together with wider impacts in long distance, elevated views. Use of an appropriate colour palate to the exterior of the proposed warehouse, together with the new stone wall along the southern boundary and proposed planting around the site, would help to mitigate some, but not all of the visual impacts. In the round this residual landscape harm is not considered to conflict with Policies 6 and 10 of the CDP or Parts 12 or 15 of the NPPF.
112. Policy 39 of the CDP states that development affecting AHLV 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. This planning balance exercise is undertaken later in the report.

#### Impact on Heritage Assets

113. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within Part 16 of the NPPF. This states that at paragraph 196 where a proposed development will lead to substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
114. NPPF parts 12 and 16 also advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
115. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker
116. Nos. 1-3 and 4a Masterman Place are grade II listed buildings located at the closest point around 150m to the north of the proposed warehouse. No. 16 Town End to the north of the site is also grade II listed. There is no intervisibility between these listed buildings and the application site due to the presence of intervening buildings. As such it is not considered that the development would have any impacts on the setting of the grade II listed buildings.
117. Middleton in Teesdale Conservation Area was designated in 1973 making it an early designation in conservation terms highlighting the longstanding quality of the built historic environment. The application site in part already has a very distinct industrial character, however the buildings of the current industrial estate are modest and generally relatively well integrated into their surroundings. The remainder of the site is open pasture which provides a green buffer to the south of the conservation area and has historically been undeveloped. The nearest buildings of interest are the nineteenth century Newtown to the west, a planned and co-ordinated development linked to the lead mining expansion of the time.
118. Para. 189 of the NPPF requires that applicants describe the significance of any heritage assets affected by development, usually by submission of a heritage

statement. The Design and Conservation Officer does not consider that the submitted heritage statement identifies the significance of the site or reaches any substantiated conclusions about the impact the development would have upon significance. However, it is advised that had the application could have been better supported and a revised statement addressing these matters provided, this would not change the Officer's conclusions relating to the heritage and design matters.

119. The Design and Conservation Officer advises that the other than the proposed warehouse, the remainder of the development is complimentary to the character of the surroundings, adding modern detailing to the existing buildings. Proposed demolition would be of late 20<sup>th</sup> century buildings, which do not make any particular contribution to the character of the conservation area.
120. In relation to the remained of the development, whilst the scale and massing of the proposed warehouse is large, the area is well screened from the B6282, the main road through the village and heart of the Conservation Area due to existing buildings. It would be more visible in localised views within Newtown and to southern side of Gas Lane. As identified above, there would also be longer distance views from elevated public rights of way to the north and south. However, where seen the warehouse would be within the context of the settlement including adjacent existing industrial buildings, fire station and modern buildings at the Primary School. The mass is slightly reduced by the use of two pitched roofs which give some height variation to the southern elevation. Proposed screen planting along the southern boundary, including the introduction of additional trees within the hedgerow and to the west adjacent to Newtown, would help to screen the development in localised views into the site from the conservation area.
121. The Design and Conservation Officer advises that the proposed new warehouse is of a scale and massing which does not reflect the historic or evolved grain of the settlement, it would encroach into the previously undeveloped landscape buffer to the south of the site which have historically remained undeveloped and provide a green buffer to the south of the village and wraps around the conservation area, albeit a significant area of green buffer would be retained. It is advised that this localised and less than substantial harm should be balanced against any public benefits of the development.
122. The Council's Archaeologist advises that there are no known heritage assets within the proposed development area and none nearby which would suggest high potential for undiscovered below-ground remains. As such no objections are raised and there is no requirement for any archaeological investigations as part of the development.
123. Overall, on the advice of the Design and Conservation Officer it is considered that the proposal would lead to localised less than substantial harm to the conservation area, through the built form of the building and the encroachment into a previously green buffer. While the level of harm is not considered to conflict with Policies 6 or 10 of the CDP, in line with Policy 44 of the CDP and Paragraph 196 of the NPPF this level of harm is required to be outweighed by the public benefits of the proposal. In this instance This planning balance exercise is undertaken later in the report

#### Local Amenity

124. Policy 6 part a of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 10 part r required new development in the countryside should not impact adversely upon residential or general amenity. Policy 29 part e of the CDP requires all

development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.

125. Policy 31 of the CDP seeks to support proposals only 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. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
126. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
127. The warehouse building would effectively consist of two structures joined. The smaller of the two would have a eaves height of approximately 5m and a right height of 6.6m, which has been reduced by the applicant having regard to the concerns of local residents, and the larger element a eaves height of 6.3m and a ridge height of 8.3m. The smaller of the two elements of the buildings would be set back a minimum of 13.8m from the western boundary of the site where the with properties on Newtown are located. The, Properties on Newtown have long gardens and overall the proposed warehouse would be positioned between approximately 50m and 52m from the front elevations of these dwellings. A distance of approximately 50m would be evident between the terrace of river view and the southern elevation of the development, this would be measured at an offset angle.
128. Whilst it is appreciated the building is of relatively large scale and massing, its height to the western side, at 5.3m to the eaves and 6.6m to the eaves, would only be a marginally higher than the existing buildings to this side of the site, which measure 5.9m and 5.6m in maximum height. The CDP sets out minimum separation distances to dwellings that developments should achieve, including 21m between facing elevations that contain habitable rooms and 13m to a two-storey gable. While this guidance is principally directed to residential developments it is worth noting that the eaves height of the proposed development are comparable to the heights of a domestic dwelling.
129. Therefore, given the separation distances between the building and the east elevations of the dwellings, it is not considered that the warehouse building would result in any overshadowing or loss of light internally within the existing dwellings. There may be some very limited overshadowing of a small section of the eastern parts of the gardens of the properties for a short period in the morning when the sun first rises in the east, once it begins to move westwards shadows from the building would fall in a north west and then northern direction away from the gardens. This overshadowing would be worse in the winter when the sun is lower and would improve over the spring/summer when it is higher in the sky. The gardens would remain useable and would not be subject to a significant loss of light this is not considered to amount a significant loss of amenity or policy conflict.

130. No windows are proposed to the western elevation of the proposed building. As such residents in Newtown would not experience any overlooking or loss of privacy. The two personnel doors would only be used in emergencies.
131. The proposed warehouse would lie around 52m to the north of properties on River Terrace at the closest point. The rear elevations of these properties would face northwards towards the site. Given the northern orientation of the proposed building and the separation distance, it is not considered residents of River Terrace would experience any over shadowing, loss of light or privacy from the development.
132. Properties to the north on Masterman Place are around 100m to the north, however given the separation distance no over shadowing, loss of light or privacy is expected.
133. A dwelling known as the Gables is located around 75m to the south east of the proposed car park and over 100m from the south east corner of the warehouse. A dense belt of trees surrounds the Gables site to the north and west sides, which would provide a buffer between this property and the application site. No over shadowing, loss of light or privacy is expected, however occupiers of this property may experience some noise from comings and goings and light at the car park. The Gables is located adjacent to other existing industrial premises and the sewage treatment works, as such higher levels of background noise are likely in the vicinity, which together with the tree belt providing protection, would mean noise from the car park is not unduly discernible. It is also considered that given the tree belt and by use of a condition to agree precise details of external lighting, that occupiers of the gables would not be adversely affected by new lighting of the car park or from vehicle headlights.
134. Whilst the outlook from surrounding residential properties would change, the loss of a view is not a material planning consideration and is not something that can be afforded weight in decision making, although the concerns of residents is acknowledged. Similarly devaluation of property is also not a material consideration.
135. The proposal includes new tree planting to the west side of the proposed warehouse to partially screen and soften the appearance of the building. Residents have raised concerns that the trees could grow to a large height and cause loss of light and overshadowing themselves. Precise details of landscaping for the site, including tree species, are not included in the application and would be agreed by condition at a later date, in consultation with the Council's Landscape Team. This will ensure that the trees are of an appropriate species and size so as to avoid these impacts. A management plan for the landscaping would also be required to ensure it is adequately maintained, both to allow it to successfully develop and to ensure areas do not become over grown or that trees/hedging do not become excessive in size.
136. An updated construction management plan (CMP) has been submitted as part of the application, it is considered by the Environmental Health Nuisance Team that the measures detailed in the CMP are adequate to ensure that adjacent residents would not be adversely affected during the construction phase. A condition requiring implementation of the development in accordance with the CMP is considered appropriate to ensure it is adhered to.
137. Further conditions are recommended by the Environmental Health Nuisance Team relating to restricting external construction works, works of demolition, deliveries, external running of plant and equipment between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and that no internal works audible outside the site boundary shall take place other than between the hours of 0730 to

1800 on Monday to Friday and 0800 to 1700 on Saturday, with no works taking place on Sundays or bank holidays.

138. The Environmental Health Nuisance Team advise they have not received any previous complaints about noise, odour or light from the premises. Planning permission 6/2005/0143/DM for the existing manufacturing building to the west of the site included conditions to restrict noise levels to 45dB(A) between 8am – 6pm Monday to Friday and 38dB(A) at other times, other previous consents from the 1980's also sought to control noise, dust, odour and general disturbance. No planning enforcement complaints have been received about breaches of these conditions. However it is noted that in response to the current application some residents have raised concerns about noise and light from the existing site.
139. The Environmental Health Nuisance Team note that no details of proposed external lighting have been provided and it is acknowledged issues of external lighting at the site have been raised by local residents. Concerns about potential light spillage from the new office/reception building which would feature large areas of glazing to the northern elevation, together with windows to other elevations have also been raised. The applicant advises that lighting would be turned off in the office building when it is not in use and that this building would typically only be used during standard office hours, with very occasional overtime use.
140. A condition to agree precise a lighting scheme for the site prior to the installation of any external lights or first use of the office building is considered appropriate, which should demonstrate compliance with the Institution of Lighting Professionals guidance notes for the reduction of intrusive light. External lighting at the existing site is beyond the control of the Local Planning Authority, however it is noted that Technimark have advised they will look to reduce this as much as possible. They also state that once implemented the new warehouse building would allow all operations to take place internally without the need for staff to move between existing buildings, which would reduce the requirement for external lighting. Subject to the condition it is considered an acceptable lighting scheme could be achieved as part of the development. The Environmental Health Nuisance Team would be reconsulted on any details submitted to discharge the condition to ensure it is not excessively bright and complies with relevant good practice guidance.
141. An Odour Assessment has been submitted as part of the current application. The Environmental Health Nuisance Team consider this assessment has followed an appropriate methodology and been conducted in a suitable manner. Manufacturing techniques at the premises would remain as existing following the expansion and would be housed internally within the buildings, limiting the opportunity for the escape of odours. The Environmental Health Nuisance Team concur with the findings of the assessment that odour from the proposed extension is unlikely to be significant with the continuation of the current level of mitigation methods. A condition to ensure the development is carried out in accordance with the mitigation detailed in the assessment is considered appropriate.
142. A Noise Assessment has been submitted as part of the application. The Environmental Health Nuisance Team consider this assessment has followed an appropriate methodology and been conducted in a suitable manner. The Environmental Health Nuisance Team concur with the findings of the assessment that noise from the proposed extension is unlikely to be significant with the continuation of the current level of mitigation methods. A condition to ensure the development is carried out in accordance with the mitigation detailed in the assessment is considered appropriate.

143. The Noise Assessment refers to potential future expansion of the manufacturing element into the proposed warehouse. The applicant advises on the anticipated level of growth of the business, anticipated to be around 8% per annum, there could be manufacturing within the warehouse area in approximately 3 years time. Overall the site is considered to have a general industrial B2 use, with warehousing, offices and another ancillary elements forming part of this overall use and not being in separate use classes. As such it is not considered that use of the warehouse for manufacturing in the future would require any further planning permission. The Noise Assessment has been undertaken on the worst case scenario with manufacturing uses taking place in the proposed warehouse building. The building has been designed to incorporate insulation to mitigate noise impacts and would not contain any windows where noise could escape. As such it is considered that even if manufacturing uses were to take place in the proposed warehouse, noise would be adequately contained within the building and would not adversely affect adjacent residents.
144. The noise assessment makes the assumption that the operation of forklift trucks only occurs occur between 0600 to 2200hrs and that HGV movements at the site only take place between 0830 to 1700hrs. The Design and Heritage Statement broadly concurs with this assertion in that the current warehouse facilities are open for deliveries and shipments between 0830 to 1700hrs and the anticipated opening times of the future warehouse facilities will be open for deliveries between 0830 to 1830hrs, whilst being manned 24/7. The Environmental Health Nuisance Team suggest that conditions are attached restricting forklift truck movements to 0600 to 2200hrs on any day, with no movements outside of these hours and that delivery and collection of products involved in the manufacturing process undertaken onsite shall only be undertaken between the hours of 0800 to 1900hrs on any day. These conditions are considered appropriate to ensure the operation does not cause undue disturbance to neighbouring residents.
145. The Environmental Health Air Quality Team originally requested additional information about vehicle movements to the site both during construction and once operational, together with details about energy supply. The applicant has confirmed that during the construction phase it is anticipated there would be 15 no. two way trips by various construction vehicles, together with 20 no. two way trips by construction personnel. Once operational there would be approximately 20 two way vehicle trips, comprising a combination HGVs and smaller vans. Having received clarification on the number of vehicle movements, the Environmental Health Air Quality Team confirm that flows will fall well below the screening criteria set out in Institute of Air Quality Management and Environmental Protection UK guidance and it is not considered they would result in detrimental impacts to air quality.
146. Similarly the applicant has confirmed there would be no new source of energy generation on the site, with power continuing to be sought from the national grid as per the existing situation. As such this would not result in any adverse air quality impacts.
147. The site is relatively flat with a slight slope downwards from west to east. Site sections and confirmation of proposed finished floor levels have been submitted as part of the application. The proposed warehouse would sit at the same floor level as the existing manufacturing building to the north west and the existing warehouse to the east. As such there would be no requirement for extensive cut and fill works or significant levels changes that would further increase the height of the proposed warehouse, particularly in relation to the western site boundary adjacent residential properties.
148. Whilst acknowledging the proposed development would change the outlook of properties on Newtown and to a lesser extent River Terrace, the loss of a view is not a material planning consideration. The height and separation distance of the proposed

warehouse would ensure there is no loss of light internally within these dwellings and that only the eastern ends of the gardens may be over shadowed to a very limited extent for short periods. Conditions are appropriate to control the construction process, noise and lighting issues. As such it is not considered that the development would result in any significant amenity issues and would be compatible with adjacent uses, in accordance with Policy 6 part a, Policy 10 part r, Policy 29 part e and Policy 31 of CDP and Parts 12 and 15 of the NPPF.

## Highway Safety

149. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 10 part q requires that new development in the countryside should not be prejudicial to highway safety. Policy 21 reiterates the requirement of Policies 6 and 10 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
150. Currently 92 no. employees work at the site, which is anticipated to increase by around 30-40 new posts over the next 5 years. The applicant advises there are around 6 different shift patterns over a two week period operating from the site, meaning not all current employees are on site at the same time. Around 70-80% of the anticipated new employees (20-30 people) would also work shifts, meaning they would not be on site all at once and avoiding peak times. It is intended to promote employee travel to the site by more sustainable modes of travel such as cycling, walking, car sharing (post covid) and electric vehicles. Cycle Parking, showers, designated car sharing bays and electric vehicle charging points would be provided to facilitate this. Whilst not a formal requirement due to the size of the site, it is understood the applicant has voluntarily engaged with the Council's Travel Planning Team to improve sustainable travel options.
151. 83 no. parking spaces would be provided on the site, which is considered adequate to meet the needs of staff and visitors by the Highway Authority. This would include 2 no. electric vehicle charging points, 8 no. car sharing spaces for use post covid and 16 no. cycle parking bays.
152. The applicant advises that currently there is approximately 1 delivery/collection vehicle movement to site every 45 minutes during daytime hours (0830 to 1700hrs), which equates to around 11 vehicles over the course of the day, typically this would constitute 5 no. HGVs and 6 no. vans. This is anticipated to increase as a result of the development to 1 delivery/collection vehicle movement every 35 mins, or around 20 over the day (8am – 7pm), with a similar ratio to the existing in terms of HGVs and vans. Although production would increase at the site, the applicant has advised that current vehicles delivering and exporting products from the site are not currently full and there is capacity within them to receive extra stock for the manufacturing process and to deliver additional products to customers. Technimark only work with a limited number of customers and as part of the expansion are seeking to increase orders by these key multi-national pharmaceutical and healthcare companies and are not intending to actively seek out new companies to supply.
153. The proposal would allow for additional space for the parking and turning of HGVs within the site, which would avoid any conflicts with HGVs passing on Gas Lane or

having to park up elsewhere within the village when there is insufficient space for two larger vehicles to access the site at the same time. Although it is envisaged occasions where more than 1 HGV would access the site at the same time would be minimal.

154. It is noted that Gas Lane also serves the Primary School and Fire Station. School drop off and pick up times, as with any school, generate a high parking demand in the vicinity of the school. The Fire Station is not permanently manned or subject to a high degree of emergency call outs. The proposed development relates to expansion of a well established industrial use. The estimate of additional employees is 33. no. over 5 years with an increase in commercial vehicle movements of an average of 9 vehicles, split between HGVs and smaller vans, across a working day. On an hourly basis this is not deemed material to the continued use of Gas Lane. The application makes clear the respective peak periods of existing Gas Lane usage (school pick up and drop offs) are acknowledged by the applicant and that where possible commercial traffic is encouraged to avoid such periods. The Highways Authority do not consider that the development is likely to result in a significant change in terms of traffic and associated highway safety on Gas Lane, given the relatively low increase in vehicle movements.
155. The Highway Authority also advise that an existing lighting column maintained by DCC should be physically protected by a kerb or relocated. This point still remains outstanding but could be resolved by a condition to agree precise details of the treatment of the lighting column.
156. It is noted by some residents that the proposed car park would accommodate all employees and concern is raised about whether sustainable modes of transport would be utilised. There would be a total of 83 no. car parking spaces, there are currently 92 employees which would rise to around 120-130 over the next 5 years. Therefore the car park is not large enough to accommodate all employees at the same time. Given the shift patterns worked at the premises, existing and proposed employees would not typically be on site at the same time. The busiest period currently is the day shift where the site could have a maximum of 50 people onsite working. For a 20 minute period during the 2pm shift change-over, the site could have a maximum of 64 people onsite, this would rise to 80 people following the expansion. It is estimated that around 66% of the workforce currently drive to work, with others walking, cycling and car sharing (pre and post covid). As such during the busiest period during the day shift changeover, there is likely to be a requirement for around 53 parking spaces. As such the car park would be adequate to accommodate those that drive to work and allow for some contingency for visitors and if there were an increase in the number of people driving to work, such as during the covid19 pandemic where car sharing is not encouraged.
157. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 10, 21 and 29 of the CDP as well as Part 9 of the NPPF.

## Ecology

158. Policy 10 part I states that new development in the countryside should not give rise to unacceptably harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for. Policies 26, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

159. An Ecological Impact Assessment, biodiversity assessment and drawing no. L020033-018 Proposed Landscaping Principles have been submitted as part of the application, which assess the loss/gain of biodiversity and set out proposed ecological mitigation and enhancement.
160. The Council's Ecologist has reviewed the submitted information and raises no objections. The Ecological Impact Assessment notes that the development would result in a net loss of biodiversity on the site, however the significant areas of new tree and hedge planting, native wildflower borders and bat and bird boxes would address this loss, resulting in a net gain to biodiversity as required by policy 41 of the CDP and para. 170 (d) of the NPPF. A condition is recommended to secure implementation of the development in accordance with the mitigation and enhancement measures, which is considered appropriate.
161. The Ecological Impact Assessment included an assessment of the buildings proposed for demolition, the warehouse intended to be converted to an office/tool room and trees on the site for bat roosting opportunities. The buildings were considered to be of low risk for bats. Similarly the site was not found to provide any suitable habitats for any other protected species, other than nesting birds. An informative to advise the applicant to check any vegetation for the presence of nesting birds is therefore considered appropriate.
162. Overall, the proposals would provide a net gain to biodiversity and would not affect any protected species, in accordance with policies 10 part I, 26, 41 and 43 of the CDP and Part 15 of the NPPF.

#### Flooding/Drainage

163. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
164. The application includes a Flood Risk Assessment and Drainage Strategy. The application site is located within Flood Zone 1 (lowest risk of flooding) with land further to the south located within flood zones 2 and 3. The proposed drainage strategy intends to collect surface water runoff via a series of rainwater pipes, swales and filter drains before discharging into two soakaways located beneath the car parks, which would discharge into the ground.
165. The proposed drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including collection of surface water runoff via a series of rainwater pipes, swales and filter drains before discharging into two soakaways located beneath the car parks and finally discharging into the ground. The Council's Drainage and Coastal Protection Team raise no objections, advising that this approach would be in compliance with Policy 35 of the CDP and Part 14 of the NPPF. However a condition is recommended to agree hydraulic calculations in digital format together with

geotechnical Information and an engineering drawing indicating all finished site and drainage levels to confirm the drainage strategy can be satisfactorily implemented, this is considered appropriate.

166. Foul drainage would be disposed of into the public sewer, Northumbrian Water have been consulted on the application in this regard and raise no objections. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
167. Overall, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Ground Conditions

168. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
169. A Phase 1 Desk Study Site Investigation Report and Phase 2 Intrusive Site Investigation Report have been submitted as part of the application. These reports conclude that the site is suitable for the proposed use and there are no risks from land contamination. The Council's Contaminated Land Officer is satisfied with the manner in which the investigations have been carried out and agrees with the conclusion. As such there is no requirement for a contaminated land condition in this instance and an informative is appropriate to advise the applicant to liaise with the Contaminated Land Team if any unexpected contamination is found during construction works. The proposal would therefore accord with policy 32 of the CDP and Part 15 of the NPPF in this regard.

#### Mineral Safeguarding

170. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
171. Part 17 of the NPPF advises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
172. The site is situated in an area identified in the CDP as a mineral safeguarding area for river sand and gravel. A Mineral Assessment Report has been submitted as part of the application, which concludes that given the size of the site, surrounding land use and, large deposits of more rural Sand and Gravel in the area that the site would not

be viable in a commercial sense and would have an unacceptable adverse impact on the environment, human health and local amenities if mineral extraction were proposed. Mineral Planners in the Spatial Policy Team have reviewed the Assessment and agree with its conclusions. As such the proposal is considered to accord with Policy 56 of the CDP and Part 17 of the NPPF in this regard.

## Other Matters

173. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. The development would result in the loss of around 0.3ha of agricultural land currently used to graze sheep, retaining the majority of the field to the south for grazing purposes. Given the relatively small area of agricultural land that would be lost and the significant economic benefits in this instance it is not considered there would be a conflict with Policy 14 of the CDP and NPPF Paragraph 170.
174. Some comments have been received that the proposal lies outside settlement limits for the village as defined in the Teesdale District Local Plan (TDLP). The TDLP has now been superseded by the County Durham Plan and previous settlement boundaries are no longer afforded weight in decision making. The CDP does not include any settlement boundaries.
175. Residents have raised concerns about whether this site is suitable for the expanded use, whether Technimark have outgrown the current site and whether approval of the proposed development would lead to further extension in the future. The current application should be considered on its own merits and does not include any additional expansion at this time beyond that shown on the submitted plans. If further expansion were to be proposed in the future, based on a corporate decision by Technimark, any proposals at that time would also need to be considered on their own merits and a judgement made at that time about whether this is appropriate or whether a larger premises would be better located elsewhere. The applicant has advised that the current proposals are likely to support the requirements of the business for the medium term without requiring further extension. Similarly if Technimark were to cease operating at this site, the buildings could be reused for other industrial purposes, subject to the same conditions as Technimark or could be considered for alternative redevelopment, which would need to be considered on its own planning merits.
176. The submitted plans are scaled drawing and as is the case with a lot of planning applications, do not include specific measurements of the proposed new warehouse. Confirmation of the height and dimensions have been provided to residents who have contacted the Local Planning Authority to request this information.
177. Residents comments about the description of the planning application are noted. However, it is considered that the description accurately reflects the proposed development. Statutory publicity requirements for the application were exceeded and residents had the opportunity to view the plans on the Council's Public Access website or to contact the case officer to find out more about the scheme following the consultation exercise.

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## CONCLUSIONS

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178. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
179. The development would cause less than substantial harm to the Middleton in Teesdale Conservation Area. As a result, both Policy 44 of the CDP and Paragraph 196 of the NPPF advise that this harm should be weighed against the public benefits of the proposal. These public benefits are considered to comprise of securing the existing 92 no. jobs at the site and involving the expansion of the business to employ around 30-40 new members of staff in a range of positions and the increased support a range of other local businesses in terms of sourcing supplies and services, daily essentials and corporate hospitality purposes.
180. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to the Conservation Area having regards to CDP Policy 44 and Paragraph 196 of the NPPF.
181. Similarly, it is considered that the identified public benefits that would arise from the development would outweigh the identified landscape harm having regards to the requirements of CDP Policy 39.
182. It is concluded that the proposal would represent the development of a site that is well related to the existing settlement, is compatible with adjacent land uses, would not result in inappropriate back land development and does not result in the loss of land that has a recreational, ecological or heritage value. The development is considered appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. The development would not be prejudicial to highway safety and is considered to be in a sustainable location. It is therefore concluded that the development would accord with relevant policies of the County Durham Plan and the NPPF.
183. The proposal has generated public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application in light of the significant benefits of the scheme, and the ability to impose conditions to control detailed construction, design and operational matters. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions:

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 following approved plans:

Location Plan (drawing no. L020033-001) received on 8 December 2020  
Proposed Demolition (drawing no. L020033-004) received on 8 December 2020  
Existing and Proposed East Elevations (drawing no. L020033-009 Rev C) received on 1 March 2021  
Existing and Proposed North Elevations (drawing no. L020033-008 Rev C) received on 1 March 2021  
Existing and Proposed West Elevations (drawing no. L020033-007 Rev C) received on 1 March 2021  
Existing and Proposed South Elevations (drawing no. L02003-006 Rev C) received on 1 March 2021  
Proposed Site Layout Plan (drawing no. L020033-005 Rev C) received on 1 March 2021  
Proposed Landscaping Principles Bat and Bird Box Provision (drawing no. L020033-018) received on 1 March 2021  
Site Sections and Finished Floor Levels (drawing no. L020033-019) received on 10 March 2021

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44, 56 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17 of the National Planning Policy Framework.*

3. No development other than ground clearance or remediation works shall commence until a scheme for the provision 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 and based on the principles set out in the submitted drainage strategy (drawing no. DR-C-2000 Rev P01) received on 1 March 2021. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

4. Notwithstanding any details of materials submitted with the application, the new warehouse shall have a grey roof using non reflective materials. Prior to the commencement of any development above foundation level to the new building and the installation of any new materials to the office/reception building, details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies 29, 39 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

5. Lighting column no. 187 (at the south east corner of the turning head) shall either be protected within a kerbed area or relocated to an adjacent kerbed area. Prior to the carrying out of any hard landscaping works, details of the protection or relocation of

lighting column no. 187 shall be submitted to and approved in writing by the Local Planning Authority. The lighting column shall thereafter be protected in accordance with the approved details.

*Reason: To protect an existing DCC street lighting column affected by the development, in the interest of highway safety, in accordance with policies 6, 21 and 29 of the County Durham Plan and Part 9 of the NPPF.*

6. A lighting scheme, including all external lighting on the buildings and car park and details of the operation of lighting within the new office/reception building shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lights or the first use of the office/reception building. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

*Reason: In order to minimise light spillage and glare, in accordance with Policies 29 and 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.*

7. Prior to first occupation of the new warehouse hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

A plan for the long term management of all soft landscaping and planting

All planting shall be carried out in accordance with the approved details and in the first available planting season following substantial completion of the approved warehouse building.

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 Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 44 of the National Planning Policy Framework.*

8. Prior to their installation, precise details of specification and appearance of all new hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 44 of the National Planning Policy Framework.*

9. The new dry stone wall to the southern and eastern site boundaries shown on drawing no. L020033-005 Rev B (Proposed Site Layout Plan) shall match the appearance of the existing wall southern boundary wall intended to be demolished in terms of height, materials and laying pattern.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 44 of the National Planning Policy Framework.*

10. Prior to first use of the new warehouse hereby approved, all 83 no. parking spaces depicted on drawing no. L020033-005 Rev C (Proposed Site Layout Plan) shall be constructed and demarcated by surface lining or marking to ensure they are used to maximum capacity. The car parking spaces shall thereafter be used solely for the parking of employee and visitor parking and not for any external storage or loading.

*Reason: To ensure adequate parking is provided on site and remains available for this use at all times, in the interest of highway safety, in accordance with policies 6, 21 and 29 of the County Durham Plan and Part 9 of the NPPF.*

11. Prior to first use of the new warehouse hereby approved 2 no. electric vehicle charging points and 16 no. bicycle parking spaces shall be installed in the locations shown on drawing no. L020033-005 Rev C (Proposed Site Layout Plan). The electric vehicle charging points and bicycle parking spaces shall be retained for the lifetime of the development.

*Reason: To make access to the site more sustainable, in accordance with policies 6 and 21 of the County Durham Plan and Part 9 of the NPPF.*

12. The development hereby approved shall be undertaken in complete accordance with the Construction Management Plan (Wardman Brown, Rev A, February 2021) and Site Setup Plan (drawing no. L020033-203) received on 1 March 2021.

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

13. 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.*

14. The development hereby approved shall be undertaken in complete accordance with the Noise Impact Assessment (Apex Acoustics, 8524.1 Rev A, 9 December 2020) and Odour Assessment (Apex Acoustics, 8524.2, Rev B, 9 December 2020).

*Reason: In the interest's residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.*

15. There shall be no external forklift truck movements outside the hours 0600 to 2200hrs on any day.

*Reason: In the interest's residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.*

16. Delivery and collection of products involved in the manufacturing process undertaken onsite shall only be undertaken between the hours of 0800 to 1900hrs on any day.

*Reason: In the interest's residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF*

17. The development hereby approved shall be implemented in complete accordance with the conclusions and mitigation detailed in section 5 of the Ecological Impact Assessment (Naturally Wild, WBR-20-05 Rev R3, November 2020) and biodiversity calculation received on 19 January 2021 and drawing no. L020033-018 Proposed Landscaping Principles received on 1 March 2021, including but not limited to sensitive timing of works, a sensitive scheme of external lighting, landscape planting and the incorporation of bird and bat bricks into the new buildings.

*Reason: To enhance biodiversity on the site and ensure there are no adverse impacts to protected species, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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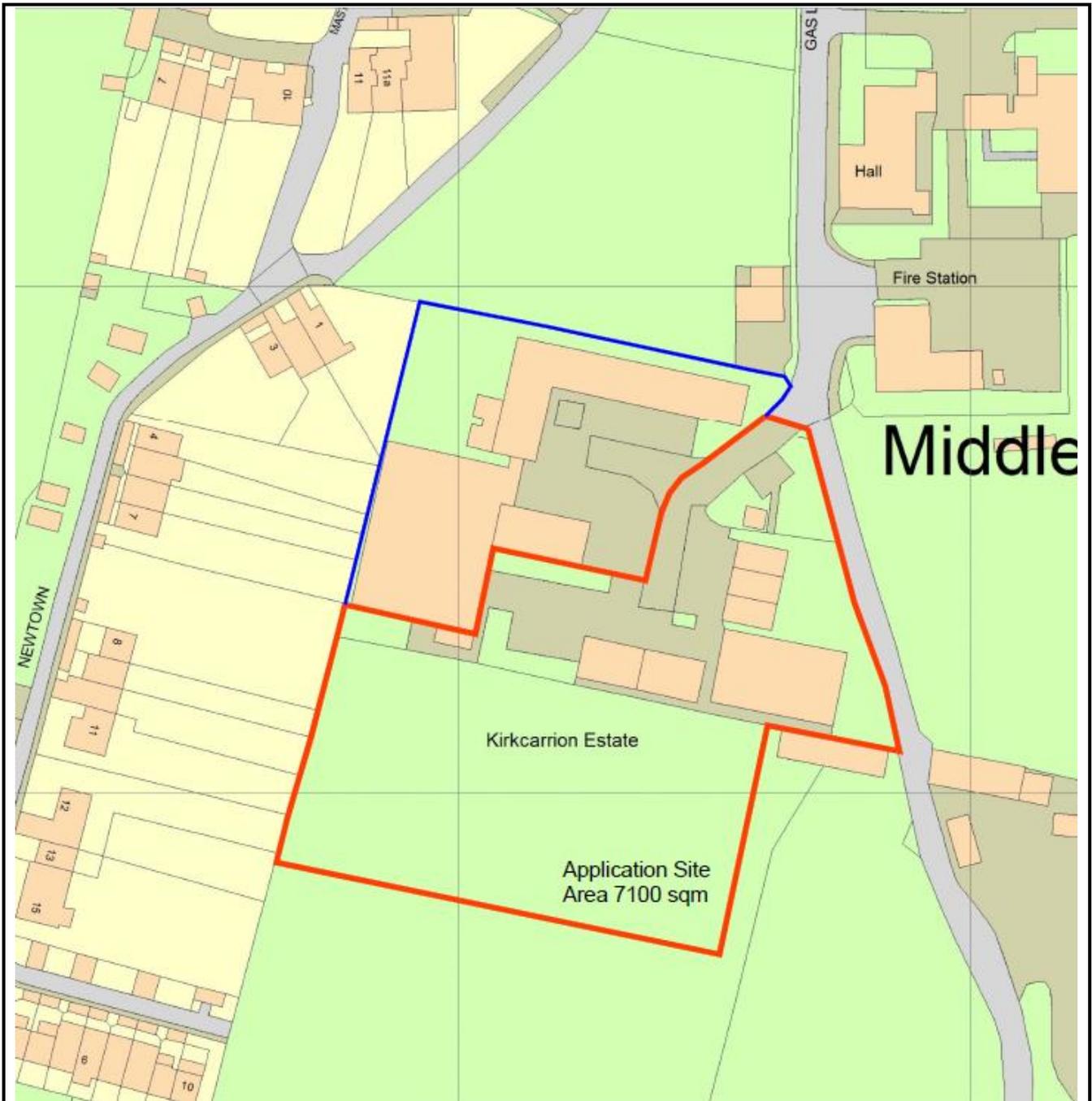
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>Demolition of existing toolroom and warehouse and construction of new warehouse, change of use of existing warehouse to offices and tool room</p>	
<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>	<p><b>Comments</b></p>	
	<p><b>Date 22 March 2021</b></p>	

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/20/03699/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	1no. dwelling with associated access and tree works
<b>NAME OF APPLICANT:</b>	Mr and Mrs Thistlethwaite
<b>ADDRESS:</b>	Land to the south of the Telephone Exchange, Durham Road, Chilton, Co Durham
<b>ELECTORAL DIVISION:</b>	Chilton
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a parcel of undeveloped land (some 0.12Ha) located to the south of the Durham Road Telephone Exchange Building towards the southern edge of Chilton. Site levels drop gradually across the site from north to south. The southern and western perimeter of the site is heavily tree planted, screening the land from Durham Road to the west. These trees are subject to a recent Tree Preservation Order (TPO/243/2021), effective on a temporary basis until 08 August 2021. To the east lie detached properties on Meadowdale which back onto the site. To the south beyond the landscape buffer lie properties fronting Durham Road that form part of a larger recent residential development.

#### The Proposal

2. Planning permission is sought to construct 1no. detached, 4-bed dwelling with off street parking, served from an associated access onto Durham Road. The dwelling would be centrally placed on the site and would be of rectangular shape (approximately 17m x 7m) and 2 storey scale (8.1m to ridge), with a reduced single storey wing (6.1m to ridge) on its south side. It would be constructed externally from coursed natural stone walling with render at the upper level and would have a concrete tile roof and grey PVCu fenestration. Access to the site would be taken from Durham Road to the west via a newly created access. Works would involve the removal of a number of trees which would be affected by the proposed development, albeit mitigated by replacement planting.
3. The application has been referred to the Planning Committee by Cllr Potts who expresses concern over the number of trees which will be removed to accommodate the development, and also the suitability of the site in question for this development which would have a negative biodiversity impact. Cllr Potts also advises that the

previous application for this site caused controversy with local residents prior to its withdrawal.

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## **PLANNING HISTORY**

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4. Planning application ref: DM/20/00902/FPA was submitted in April 2020 for the erection of 1no. dwelling with associated access onto Durham Road and tree works. Following lengthy discussions between the applicant and the LPA regarding the acceptability of the submitted proposals, this application was withdrawn in September 2020. A Tree Preservation Order (TPO) was made on the site in July 2020 (ref: TPO/229/2020). This TPO later lapsed with replacement TPO ref: TPO/243/2021 effective until 08 August 2021 pending final confirmation.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
6. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
7. *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.
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 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.

11. *NPPF Part 15 - 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.

<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; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

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

##### The County Durham Plan

13. 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.
14. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
15. 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 should have regard to Parking and Accessibility Supplementary Planning Document.

16. 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.
17. 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 they 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 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.
18. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
19. Policy 35 (Water management) requires all development proposals 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
20. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
21. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
22. Policy 40 (Trees, woodlands and hedges) states 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.

23. 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.
24. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. *Chilton Town Council* – A late representation has been received raising objections to the proposals on the grounds of adverse impact on trees, wildlife and ecology.
26. *Highway Authority* – No objections. The proposed development is acceptable from a highways perspective.

### **INTERNAL CONSULTEE RESPONSES:**

27. *Spatial Policy* - This site is not allocated for housing under Policy 4 of the CDP. The proposal should therefore be assessed against Policy 6 of the CDP which now comprises the development plan. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form would need to be within acceptable parameters.
28. *Landscape* – An Arboricultural Impact Assessment and landscape plan have been produced for the development. The conclusions of the Arboricultural Impact Assessment are acceptable and the landscape proposals provide for sufficient new tree planting to mitigate for the loss of trees subject to TPO's. Other soft landscape information provided is acceptable in terms of species and specification. The extent to which the proposals would conflict with Policies dealing with landscape and visual matters and the weight that should be attached to them is a matter for judgement.
29. *Arboriculture* – The area of trees which surround the current exchange building are subject to a recent Tree Preservation Order (TPO/243/2021). The site comprises of young, semi mature and shrub/hawthorn trees which as a group/woodland have high amenity value which help screen the site and development behind. Proposed new planting will mitigate those trees removed. Other soft landscaping has been accepted by the landscape officer. Once trees have been removed to facilitate the development, the remainder need to be protected by fencing outlined within the arboricultural report. New tree planting must be in place within the next available planting season.
30. *Environmental Health (Noise)* – The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. Based on the information submitted with the application, the development is unlikely to cause a statutory nuisance.
31. *Environmental Health (Contaminated Land)* – No adverse comments to make. There is no requirement for a contaminated land condition.

32. *Ecology* – No objections, subject to a breeding birds informative.
33. *Drainage* – The proposal is not of a classification that requires consultation with the LLFA regarding surface water management.

**PUBLIC RESPONSES:**

34. The application has been publicised by way of site notice and notification letters to neighbouring residents. 3no. letters of objection have been received, with a summary of the material areas of concern raised as follows:
  - Loss of trees which are subject to a TPO, contrary to County Durham Plan policies;
  - Clarification over whether the TPO remains in effect, and if not the reasons for this;
  - Loss of hedgerow;
  - Ecological impact;
  - The need for additional housing in the town;
  - Shoe-horning development into a constrained site;
  - Plans are unclear, a number of questions are asked relating to site levels, dimensions and separation distances from adjacent development;
  - Loss of daylight/sunlight to neighbouring property, especially in afternoons and evenings;
  - Insufficient time has been given for neighbours to provide comment on the scheme;
  - Further time should be given to allow Chilton Town Council to comment on the scheme with a meeting scheduled for 12 January 2021;

**APPLICANTS STATEMENT:**

35. The proposed development relates to the erection of a single detached dwelling on a sustainably located site within the existing settlement of Chilton, which is surrounded by built development on all sides. As such, the proposals are compliant with Policy 6 of the County Durham Plan. Furthermore, the application has demonstrated that the proposals accord with Criteria A-J of Policy 6 and all other relevant development plan policies.
36. The applicant and agent have worked positively with officers throughout the pre-application and planning application process in order to achieve an acceptable design and addressing any comments from the Council. The proposed dwelling has been reduced significantly in footprint and size which has allowed the dwelling to sit centrally in the plot in the interests of preserving the residential amenity of neighbouring dwellings to the east whilst ensuring the retention of trees and landscaping on the frontage of Durham Road. Furthermore, the submitted landscaping scheme has shown a significant landscape enhancement which ensures that the character of the site is retained and improved in the street scene from Durham Road.
37. It has further been confirmed that safe pedestrian and vehicular access can be achieved onto Durham Road.
38. In view of this, no objections from technical consultees have been received and the current proposals are demonstrably in accordance with the adopted Development Plan. Officers are satisfied that all matters previously raised have been addressed to

an acceptable level and have recommended that the application be approved on this basis. We fully support the professional view of officers in coming to this decision.

39. Furthermore, fewer public objections have been received on this current scheme compared to the previously withdrawn application, and officers have considered that the relevant material planning considerations have been addressed to an acceptable level that accords with local and national planning policy. For the above reasons, we respectfully request that members vote in favour of this development.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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40. 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 relate to the principle of development, scale/design, privacy/amenity, highways, landscape/arboricultural impact, flooding and drainage, ecology and contamination.

### The Principle of the Development

41. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
42. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP). CDP Policy 6 supports the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
- is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - where relevant, makes as much use as possible of previously developed (brownfield) land;

43. In the context of Policy 6, the application site could reasonably support new housing development, representing a sustainable and accessible infill location in an established residential setting, surrounded by neighbouring residential property. The site provides good links to local amenities and services in the town, including sustainable linkages to surrounding settlements without placing overreliance upon private vehicle use.
44. CDP Policy 19 identifies an imbalance in housing stock across the County and requires new housing development to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
45. With regards housing supply, Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. Presently the Council is able to demonstrate 6.37 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
46. In accordance with paragraph 11C of the NPPF, there are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

#### Scale/Design:

47. General design guidance is set out in Part 12 of the NPPF and CDP policies 6 and 29 which seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
48. The proposed dwelling would be of 2 storey scale (maximum 8.1m ridge height) and set back into the site some 18m from the edge of the Durham Road carriageway, remaining partially screened from this direction by existing vegetation to be retained. This is a relatively large plot of land that can comfortably accommodate 1no. dwelling without it appearing shoehorned or crammed in.
49. The proposed 2 storey height of the building would reflect the adjacent 2 storey, detached development to the immediate south and east, with the telephone exchange building to the north also of notable scale.
50. Although the proposed dwelling would have a larger development footprint than the nearest 2 storey detached properties on Meadowdale to the east, it would be situated in mixed surrounds with a variety of house types of varying scale and design, including large properties beyond Durham Road to the west and more modern housing development to the south and east. The proposed dwelling would sit

within its own context, well screened within a woodland setting with limited and obscured views from the west.

51. Given the change in ground levels across the site (gradually falling from north to south), the northern elevation of the dwelling would be sunk into the ground with a retaining wall feature introduced. Submitted plan ref: GLD059 04B indicates that the building would be set 1.42m below the existing ground level at its northern end compared to No.32 Meadowdale to the east, with a reduction of 0.38m between the southern aspect and No.30 Meadowdale to the east. The partial lowering of the dwelling into the topography would serve to reduce the presence and massing of the dwelling, with a difference in floor levels ensuring opposing windows (which would be non-habitable at the first floor level) would not be directly aligned with facing windows in opposing properties to the east.
52. The proposed dwelling would be of a traditional appearance and scale, finished in coursed natural stone and render, and dark grey concrete roof tile.
53. Whilst the proposed dwelling is large, it has been reduced in scale from that withdrawn in 2020. The previous scheme incorporated an L-shaped footprint that has now been simplified to the current rectangular form and located further from the boundary with neighbouring properties to the east. Set within a woodland setting and partially screened from the adjacent roadside, it is considered that the proposed development by nature of its scale, positioning and form would not appear oppressive or out of character to its residential setting. The application is considered to satisfy the provisions of CDP Policies 6 and 29 and Part 12 of the NPPF.

#### Privacy/Amenity

54. CDP Policy 31 seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
55. The Councils Residential Amenity Standards SPD sets out that all new development, including new dwellings, will have some bearing on neighbouring properties, however it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should therefore ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts. In order to achieve these objectives, the following minimum standards should be applied to new residential developments of 2 storey scale:
  - Main facing elevation to main facing elevation containing window/s serving a habitable room - 21 metres between two storey buildings

- Main facing elevation to gable wall which does not contain a window serving a habitable room - 13 metres to two storey gable, 10 metres to single storey gable
56. In addition, new developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9m unless site specific circumstances allow for a reduction in size.
  57. The proposed dwelling would be located to the south of the Telephone Exchange building which contains no habitable windows overlooking the application site. Furthermore, the proposed north facing elevation of the dwelling overlooking the telephone exchange (some 8.5m away) would be blank albeit for a utility room door opening.
  58. To the south, a separation in excess of 30m would be maintained between the primary south facing elevation and No.1 Bradbury Way, which lies beyond the intervening tree belt beyond the site boundary that is to be retained.
  59. To the west, the nearest residential properties are located some 50m+ away beyond Durham Road and intervening landscaping which would also be retained and would effectively screen the site.
  60. To the east, a minimum separation of 17.8m would be achieved between the rear elevation of the proposed dwelling and the nearest rear single storey rear extension of no.31 Meadowdale. This separation increases to 21.2m to the main 2 storey elevation of this neighbour. Meanwhile a 20m separation would be achieved between the rear facing elevation of the proposed dwelling and the habitable rear elevation of no.30 Meadowdale (not including a rear projecting garage).
  61. Some concern would be raised over the substandard separation distances to be achieved, with a minimum 21m to be expected in this situation as described in the Residential Amenity Standards SPD. In supporting documentation, the applicant acknowledges this substandard separation but considers that a flexible approach should be taken citing the Residential Amenity Standards SPD as follows:

*“3.5 It is not intended to apply the standards rigidly. For example, distances may be relaxed where the impacts on privacy can be reduced. This may occasionally be achieved, using obscure glazing, boundary treatments, restricted openings and directional windows. There may also be scope to relax distances between public facing elevations within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place. Such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy and outlook.”*

*“3.6 Distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities. It will however be important to ensure that the amenity of existing residents is not significantly impacted upon. Similarly, greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances.”*

*“Furthermore, paragraph 3.2 of the SPD only requires 21m between two storey buildings where the main facing elevation to main facing elevation contains window/s serving habitable rooms”.*

62. It is noted that none of the windows to serve the rear, east facing elevation of the dwelling would be habitable and that an existing 1.8m high close boarded boundary fence would be maintained along the common boundary with properties to the east, effectively screening views at the ground floor levels. At first floor level the proposed east facing windows would only serve a bathroom and en-suite (with windows to be obscure glazed – controlled by condition) and a stairwell. All habitable windows serving the proposed dwelling would be south and west facing. Given the retention of the existing enclosures along the eastern boundary (preventing low level views of neighbouring property), and the proposed use of rooms in this east facing elevation, there would be no resulting loss of privacy or amenity issues in this direction from directly overlooking windows facing opposing habitable living areas.
63. The applicant has also provided a detailed sunlight assessment (plan ref: GLD059 05B and GLD059 06) which demonstrates how at midday, when the sun is highest in the sky, the level of overshadowing of the nearest neighbouring properties by the proposed development would be kept to a minimum. The shadowing of neighbouring properties on Meadowdale to the east of the site would increase through the afternoon, albeit only notably starting to impact neighbouring gardens after 1700 and into the evening. Throughout the afternoon up until this point, this would primarily occur from the existing boundary fence and not the proposed development. Notably, this is not significantly different to the existing situation as detailed on the existing sunlight plans which effectively demonstrate that the proposed development would not lead to an unacceptable or adverse loss of daylight to neighbouring property to the east.
64. In addition, given the change in ground levels across the site, the proposed dwelling would be sunk partially into the ground, reducing its overall massing, with reduced finished floor levels, a pitched roof sloping away from the rear of Meadowdale properties and a staggered ridge height to further minimize resulting amenity impact and any potential overshadowing of neighbouring gardens.
65. It is accepted that the proposed dwelling is positioned as such within the plot so as to minimize impact on existing tree cover to the south and west, whilst also setting the development back from the roadside in line with the forward building line of the telephone exchange to the north. Should it be necessary to achieve a 21m minimum separation, this would push the development westward into the plot, closer to the trees fronting the development, thereby potentially affecting their retention and opening up views into the site. Likewise such movement would reduce the amount of hardstand parking and maneuverability to the front of the dwelling, with the current positioning considered a suitable compromise. Sufficient separation has been maintained from the rear elevation to the east (a notable change from the previously withdrawn scheme), increasing the amount of usable private garden amenity space available.
66. Details of enclosures are specified on submitted plans. Details of the proposed entrance gate into the site would be conditioned in the interests of design and highway safety.
67. Noting the presence of nearby trees and proximity to neighbouring uses, it is considered that permitted development rights for extensions and outbuildings should be removed by condition so as to protect future privacy/amenity standards and limit impact on neighbouring uses and arboricultural impact.

68. Environmental Health Officers have assessed the submitted information, raising no objections to the proposals. Whilst housing development is considered to be noise sensitive, the surrounding may be regarded as semi urban residential. There are no major roads near to the site, therefore relevant ambient noise levels should comply with the thresholds, stipulated in the TANS (Technical Advice Notes). Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS.
69. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. Furthermore, based on the information submitted with the application, the development is unlikely to cause a statutory nuisance.
70. The proposed development can be accommodated onto the site without resulting in overdevelopment, whilst achieving satisfactory levels of private amenity space. Slightly substandard separation from neighbouring properties would unlikely result in unacceptable privacy/amenity issues with a sunlight assessment having been provided to demonstrate no significant or unacceptable levels of overshadowing to result. Subject to the above, the application is considered to satisfy the provision of CDP Policy 31 and the residential amenity standards SPD.

## Highways

71. NPPF Part 9 seeks to ensure that development 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. CDP Policy 21 seeks to ensure 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 congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
72. The application site would be served via a new, private vehicular access onto Durham Road as detailed on submitted plans. Off street parking provision would be secured within the wider curtilage on a hardstand area to the front of the dwelling, with satisfactory manoeuvrability to be achieved within the plot. Although no specific parking bays are to be created and no garage provided, highway officers consider the amount of off road hardstand to be provided would comfortably accommodate parking demand for a dwelling of this scale.
73. The proposed development is deemed to be acceptable from a highways perspective. Highways officers do however request an informative be included regarding the construction of the vehicular access within the public highway. It is also recommended that the approved development should not be brought into use until the access crossing has been constructed in accordance with the submitted plans. Subject to the above no highway objections are raised. It is not considered that the resulting traffic increase serving the site would give rise to a severe cumulative impact on the local road network. Proposals would satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

## Landscape/Arboricultural impact

74. CDP Policy 39 seeks to ensure that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
75. CDP Policy 40 advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off 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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
76. The application site does not lie in an area covered by any national or local landscape designations although trees within the site are covered by a recent Tree Preservation Order (TPO). The site is not within a Conservation Area.
77. The application site comprises of young, semi mature and shrub/hawthorn trees which as a group/woodland have high amenity value which help screen the site and development behind. A TPO was first imposed upon the site following the receipt of the previously withdrawn planning application ref: DM/20/00902/FPA in the interests of ensuring future control over the retention of these trees during the application process (TPO ref: TPO/229/2020). This TPO lapsed several months later and has been replaced by an updated temporary TPO (TPO ref: TPO/243/2021). This latest TPO will lapse on 08 August 2021 after which its status will again be reviewed by the Council. Notwithstanding this, the presence of a TPO on a site does not sterilise development opportunity, nor prevent the removal of protected trees where deemed acceptable, subject to compliance with the aforementioned policies.
78. An Arboricultural Impact Assessment and landscape plan have been produced for the proposed development and landscape/arboricultural officers consulted. The proposed dwelling will remove a number of specified trees which are affected by the proposed building and access layout, with tree 27 to be removed as part of the site management due to its poor condition. Further tree removals are also outlined within section 5 of the submitted arboricultural report including hedging which borders the site to facilitate the new entrance.
79. Based on the findings of this report, it is considered that the most suitable trees would be retained as part of the development, and the removal of those less suitable will promote the future growth of retained species thereby improving the integrity of the wider tree group value. Furthermore, proposed new planting (as detailed on submitted plans) would mitigate the loss of those trees to be removed. Once trees have been removed to facilitate the development the remainder need to be protected by fencing outlined within the arboricultural report. It is also important that replacement tree planting should be in place within the next available planting season. These matters can be controlled via condition. The conclusions of the Arboricultural Impact Assessment are considered to be acceptable by landscape

officers, with sufficient new tree planting to mitigate for the loss of trees presently subject to TPO's.

80. As explained, the proposed dwelling has been positioned as such so as to balance arboricultural impact with amenity standards and separation from neighbouring plots, with the position of the proposed access identified by highways engineers as the most suitable location in highway safety terms. With no landscape/arboricultural objections raised, the extent to which the proposals would conflict with policies dealing with landscape and visual matters and the weight that should be attached to them is a matter for judgement. On this occasion it is considered that whilst the loss of some trees within the TPO group is regrettable, this would not compromise the wider amenity value of the group, with new planting in more suitable locations effectively mitigating any loss. In this sense, the proposals would therefore satisfy the provisions of CDP policies 39 and 40.

#### Flooding and Drainage

81. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. CDP Policy 35 requires all development proposals 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. Meanwhile CDP Policy 36 concerns disposal of foul water.
82. The application site is not located within a known flood zone area, with no objections raised. The proposed development would be set back into the site away from the public highway whilst maintaining separation from neighbouring plots. Large areas of grassland and woodland would be retained around the development. Details of surface water drainage and surface materials would be controlled by condition so as to avoid surface water run off onto the adjacent carriageway and/or localised flooding. Other drainage matters such as foul water disposal would be considered through building regulations. Subject to the above, proposals would be considered to satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36.

#### Ecology

83. Part 15 of the NPPF ensures that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Clarification has been provided as to the location and quality of the trees proposed to be removed as detailed within the submitted AIA. Taking into consideration neighbouring objections, no ecological objections have been raised. Proposals are considered acceptable subject to the inclusion of a breeding birds informative, with proposals to satisfy the principles of Part 15 of the NPPF and CDP policy 41.

#### Contamination

84. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or

landowner. CDP Policy 32 seeks to resist development where the developer is unable to demonstrate that:

a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;

b. 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

c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

85. EHO's have assessed historical maps and available information with respect to land contamination including the completed screening assessment form dated 01 April 2020. No objections are raised, with no requirement for a contaminated land condition. The application would be considered to satisfy the provisions of Part 15 of the NPPF.

#### Other matters

86. The following objections have not been covered elsewhere within the officer's report:

87. *Insufficient time has been given for neighbours to provide comment on the scheme;*  
The LPA notified neighbours of the application in writing on 18 December 2020. The formal consultation period subsequently ended on 11 January 2021 taking into account the timing of the weekly list and the officers site notice which was displayed adjacent to the site on 21 December 2020. At officers discretion this deadline was extended by a further week until 18 January to take into account the days lost during the xmas break. Notwithstanding this, comments can still be submitted right up until the committee report is published (in this instance the beginning of March). Neighbours have had in excess of 12 weeks to provide comment in this case. Those neighbours stating they require further time have already commented and it would not be considered necessary to provide further time to provide additional comment on this occasion.

88. *Further time should be given to allow Chilton Town Council to comment on the scheme with a meeting scheduled for 12 January 2021;*  
As above, Chilton Town Council has had the opportunity to make representation on the application, with no comments received.

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## CONCLUSIONS

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89. Planning permission is sought for the erection of 1no. two storey dwelling on land to the south of the Chilton Telephone Exchange Building adjacent to Durham Road. This is a sustainable and accessible location within the existing settlement framework, This site is not allocated for housing under Policy 4 of the CDP and therefore the current proposals should be assessed against CDP Policy 6 and Paragraph 11C of the NPPF which requires applications which accord with an up to date development plan to be approved without delay. Consideration is given to the scale and design of the proposed works, privacy/amenity implications, landscape/arboricultural impact, ecology, highways impact and contamination. Consideration is also given to all neighbouring objections raised. Proposals are considered to satisfy the provisions of Parts 5, 9, 11, 12, 14, 15 of the NPPF and

policies 6, 19, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the CDP, and the Residential Amenity Standards SPD (2020). Subject to the following conditions, the application is recommended for approval.

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## **RECOMMENDATION**

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Recommendation that the application is:

### **APPROVED subject to the following conditions**

Time limit

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.*

Approved plans

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

GLD059 00 (Site Location Plan), received 10 December 2020

GLD059 01C (Proposed plans and elevations), received 10 December 2020

GLD059 04B (Site sections), received 10 December 2020

GLD059 05B (Sunlight study – proposed site plan), received 10 December 2020

GLD059 06A (Proposed site plan), received 10 December 2020

D247.P.001 EXT A (Landscape proposals plan), received 10 December 2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 32, 35, 36, 39 and 40, of the County Durham Plan and Parts 2, 4, 9, 11, 12, 14, and 15 of the National Planning Policy Framework*

Access

3. The proposed development shall not be brought into use until the access crossing has been constructed in accordance with approved plan ref: GLD059-06A (Proposed site plan), received 10 December 2020

*Reason: In the interests of highway safety in accordance with Part 9 of the NPPF and County Durham Plan Policy 21.*

AIA/Tree protection

4. No development shall take place unless in accordance with the Arboricultural Impact Assessment and Management Plan (November 2020).

*Reason: In the interests of tree protection in accordance with County Durham Plan Policy 40.*

Landscape implementation

5. All planting, seeding or turfing comprised in the approved details of landscaping detailed on approved plan ref: D247.P.001 RevA shall be carried out in the first available planting season following the removal of the existing trees. Any trees or plants which within a period of 5 years from the substantial completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 39 and 40.*

#### Surface treatment

6. Prior to the commencement of the development details of surface treatment and construction of all hard surfaced areas including the new site access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of highway safety and flood risk in accordance with Part 14 of the NPPF and County Durham Plan Policies 35 and 36.*

#### Gate details

7. Prior to first occupation of the development hereby approved, details of the proposed access gates shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the area and highways safety in accordance with County Durham Plan Policies 21 and 29.*

#### Surface Water drainage

8. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed

*Reason: So as to avoid surface water run off onto the adjacent carriageway and/or localised flooding. In accordance with the provisions of Part 14 of the NPPF and County Durham Plan Policies 35 and 36.*

#### Obscure glazing

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the glass to be used in east facing first floor bathroom/ensuite windows shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent, and shall remain so.

*Reason: In the interests of the privacy/amenity of the neighbouring occupiers in accordance with County Durham Plan Policy 31.*

#### PD rights removed (extensions and outbuildings)

10. Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved in writing by the Local planning authority.

*Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the privacy/amenity of the neighbouring occupiers in accordance with County Durham Plan Policy 31.*

#### Windows

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed in the east facing elevation of the dwelling hereby approved.

*Reason: In the interests of the privacy/amenity of the neighbouring occupiers in accordance with County Durham Plan Policy 31.*

#### Construction

12. 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 0800 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: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the CDP*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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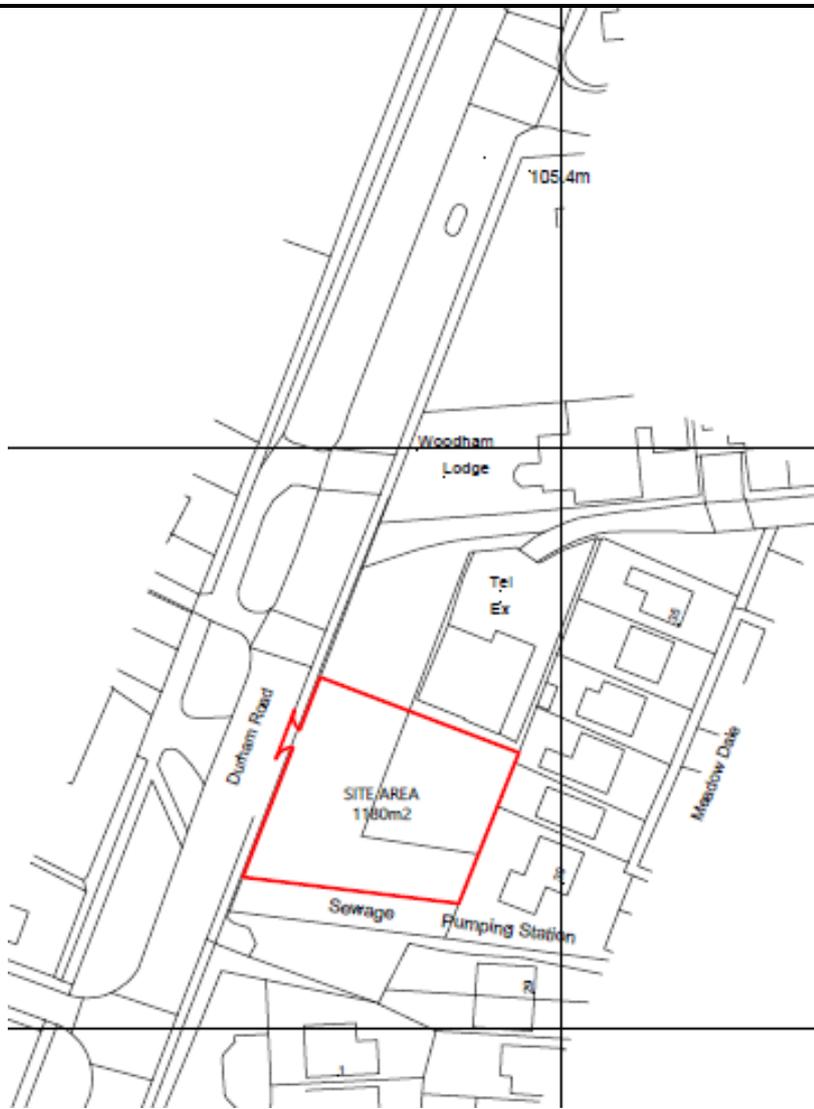
The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>1 no. dwelling with associated access and tree works</p>	
<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>	<p><b>Comments</b></p>	
	<p><b>Date</b> 22 March 2021</p>	

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/00176/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Siting of 2no Shepherd huts for holiday accommodation purposes and associated works
<b>NAME OF APPLICANT:</b>	Mr Liam Scott Patrick
<b>ADDRESS:</b>	Limekilns Farm, Lonton, Middleton-in-Teesdale
<b>ELECTORAL DIVISION:</b>	Barnard Castle West
<b>CASE OFFICER:</b>	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located in Lonton, a small grouping of dwellings and agricultural buildings located between the villages of Middleton-in-Teesdale and Mickleton to the south west of the county on the B6277.
2. The site itself consists of a rectangular shaped parcel of land set adjacent to the dwelling of 'Limekilns' and associated outbuildings and courtyard. The site is predominantly grassed, with areas of hardstanding adjacent to a perimeter drystone wall. To the north of the application site lies the dwelling of 'Lonton Blacksmiths' the B6277 and beyond the dwelling and farming enterprise of Lonton East Farm. To the east of the site a paddock associated with the applicant property is located, beyond lies the B6277, which curves around from the north, agricultural fields lie further beyond. To the south agricultural fields are located, to the west of the site a well maintained paddock is sited.
3. The site predominantly enclosed by dry stone walling of varying condition and ornamental vegetation. A dry-stone wall also curves around B6277 leading to the access to the site.
4. The site is located adjacent to a number of. public rights of way (PROW), No 11 (Holwick) being the closest to the south at a distance of approximately 75m from the application site. The former Tees Railway line runs parallel to the south of the PROW.
5. The application site is located within an Area of Higher Landscape Value (AHLV) with the railway line forming the northern boundary of the Area of Outstanding Natural Beauty (AONB).

## The Proposal

6. Planning permission is sought for the siting of 2no Shepherd huts to be used for holiday accommodation. The huts are proposed to be sited within the enclosed garden area to the south west of the main dwelling. They will be laid on a compacted hardcore base with a gravel finish and are of a traditional Shepherd style, measuring 6.7m x 2.77m, with a timber clad external appearance finished in dark grey with hardwood windows and doors. The huts are mounted on steel wheels and with a curved, corrugated roof, finished in black, would measure 3.1m in total height. The huts are proposed to be powered from the existing electrical supply from the host property and waste would discharge into the adjacent package sewerage system. Surface water would discharge into the existing surface water system. Access to the huts would be taken from the existing vehicular access serving the dwelling where dedicated parking spaces would be provided.
7. The application is being reported to the Planning Committee at the request of Cllr Bell due to concerns relating to landscape impact, highway safety and impact on amenity of neighbouring property.

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## PLANNING HISTORY

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8. In 2012 planning permission was granted for the siting of 3no camping pods, WC unit and associated parking. The location however was in an area to the north east of the dwelling and was not implemented.

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## PLANNING POLICY

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### NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
10. *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 plan-making and decision-taking is outlined.
11. *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.

12. *NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.*
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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.*

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

19. 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; historic environment; design process and tools; determining a planning application; flood risk;

healthy and safe communities; light pollution; natural environment; noise; public rights of way; use of planning conditions; and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan (CDP)

20. 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 need 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.
21. 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.
22. 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.
23. Policy 29 (Sustainable Design) All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. Policy 31 (Amenity and Pollution) 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. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. Policy 35 (Water management) requires all development proposals 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
26. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh

the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

27. Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB)) sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
28. 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.
29. 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.
30. 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.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

31. *Holwick Parish Council* – No response received
32. *Highway Authority* – Following submission of amended plans detailing the reduction in height of a section of drystone wall, there are no objections to the development.

### **INTERNAL CONSULTEE RESPONSES:**

33. *Landscape* – The proposed development would result in intensification of use of the site and therefore cause some harm to the Area of Higher Landscape Value, through the introduction of new structures, vehicle parking and bollard lighting. The boundary wall is significant landscape feature which contributes to the distinctiveness of the local area and any alteration, along with more intense management of the roadside grass verge will be harmful to the local landscape character.
34. *Ecology* – Considering the site and small-scale proposals, there are no objections on ecological grounds.
35. *Environmental Health (Noise)* – Following submission of a noise management plan and due to the scale of the development there are no objections subject to conditions.

36. *Visit County Durham* – Advises that the site is well placed for visitors with an interest in outdoor activities, nature, landscapes, peace and tranquillity, escapism. It is also well situated for those who would like to explore the county's market towns such as Barnard Castle and Stanhope and enjoy attractions such as Bowes, Raby Castle, The Auckland Project and Hamsterley Forest.

The business will benefit other businesses such as attractions and places to eat and drink as visitors will be able to stay overnight in the area - see on the factsheet the considerably larger average spends between day visitors and overnight visitors. This helps us to attract more overnight visitors, increase visitor spend and protect local employment

#### **PUBLIC RESPONSES:**

37. The application has been advertised by way of individual neighbour notification letters to nearby properties and a site notice has also been displayed.
38. In response to the consultation exercise 9no letters of objection have been received, including an objection from the Local Councillor. Comments have been summarised below: -
- The proposed fencing is not in keeping with the rural character of the site
  - The wall to the east of the campsite is to be repositioned east and the vegetarian and planting will be lost
  - The Shepherd huts will be visible despite proposed boundary treatments
  - There is concern regarding a lack of detail relating to foul drainage, heating and electrical provision.
  - The proposal will impact on the privacy of Lonton Blacksmiths to the north
  - The proposal will generate noise and disturbance to neighbouring properties, the noise management plan is unfeasible to enforce.
  - There will likely be guests and visitors to the shepherds huts which increase numbers and noise and disturbance.
  - No details of the noise performance of the huts have been provided.
  - Log burners, and barbeques will provide smell nuisance to neighbours.
  - There are highway safety related concerns due to the sharp bend.
  - There are alternative sites for the huts to be located
  - The removal/alteration of existing drystone walls will impact on the landscape character and wildlife habitats.
  - The huts are not DDA compliant and a level access not provided.
  - There is no historical reference to the use of Shepard's huts in the County.
  - The scale, design and colour of the huts will given them an overbearing appearance.
  - There is concern with respect to external light pollution including from visitors cars.
  - The Shepherd huts are not in keeping with the rural character of the area
  - The design and access statement has not been updated.
  - The submitted information does not set out what the huts would be sited on.
  - Details of the proposed dry stone walls are limited.
  - The huts are too close together and there is a fire risk.
  - There are no pedestrian paths/gates as per the previous permissions.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

## APPLICANTS STATEMENT:

39. I have lived at Limekilns Farm for just over 17 years. When I bought the farm it was largely uninhabitable. In the preceding years we have replaced the roof with traditional Teesdale stone, connected the property to mains water and installed a waste treatment plant. We have repaired a tumbledown barn and have maintained stone walls as and when required. We have always aimed to protect the character of the house and the surrounding land, despite it not actually falling in the area deemed to be an AOB.
40. My employment background has been in the wine business, I was employed by Corney and Barrow of London (holder of two royal warrants) to format and grow a sales area in the north of England from an office originally at Eggleston Hall. I was a director of this company and under my direction we grew from nothing to a turnover of approximately £10 million pounds, employing 10 people.
41. In 2013 I founded Lonton Coffee Company Ltd. Since founding we have grown to employ 5 people with high quality roles. Only one of which is actually employed day to day on site. We have forged an excellent reputation within the coffee industry, with many high profile accounts, among them, three Michelin Star restaurants. My entire professional career has been associated with the hospitality industry and at the very top level within that sector. The reason I outline the above, is I hope, to demonstrate the quality of my past employment levels, it is this level of quality that I am aiming to bring to Teesdale and more precisely, the shepherd's huts at Lonton.
42. I have requested permission for the siting of two shepherd huts on a garden area to the south of my property, to maximise the use of an existing lawn, the level ground and to minimise any ground works or disturbance of the land. This site was previously suggested as suitable by the Senior Landscape architect at the time John Lochen, Durham County Council, who noted "*I suggested considering a less sensitive location would be the lawn area to the South of Lonton dwelling house, and north of Sheepfold. This is a large level well kept grass lawn (approx. 28m x 34m) that could with suitable screening accommodate the pods.*".
43. A previous application for three camping Pods was granted a number of years ago, at the time the "glamping" market was in its infancy and camping pods were really a high quality, but low cost and low comfort option for the walking/fishing and cycling visitor. Over the following years, the market has matured significantly and there is now a huge demand for high quality varied accommodation nationally and particularly in County Durham.
44. Our market will be that of professional couples who expect excellent facilities and service, it is precisely this demographic that "Visit Durham" are hoping to attract to the area, with the associated local spend their visits bring. The small scale nature (two huts) their build quality and therefore expense to purchase and rent, precludes the birthday party market.
45. From a site starting point suggested a number of years ago by John Lochen, noted above and working closely with the planning department. I have taken all the comments made from both the professional consultees and the public ones that have been flagged as relevant. I have aimed to address each concern point by point, namely:
- Retaining the wall to the East
  - Retaining the screening to the east.
  - Including screening to the south.

- Moving the Huts further south on the site
- Lowering the huts height to that below of what was previously granted for the camping pods.
- Replacing the fence to the north with a 1.8 metre dry stone wall
- Replacing fencing with stone walls for site delineation.
- Moving the parking area away from the neighbour's wall.
- Addressing the access concerns regarding the height of the wall on entry.
- Committing to fully repair the wall that is in disrepair to the south of the drive.
- Included a noise management plan.

46. My intention is to produce a premium accommodation option in the upper dale, echoing the quality and reputation of the existing coffee business. I live on site with my family and it is in my interests, for the reputation of my coffee company, financially and for the benefit of the residents of Lonton, that the Shepherd's Huts at Lonton will be discreet, exclusive and impeccably managed. If provided with permission, this is what I will deliver.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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47. 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 relate to the principle of development, landscape/visual impact, privacy/amenity, highways, ecological impacts and other matters.

The principle of the development:

48. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
49. Policy 10 of the CDP restricts new development in the countryside unless exceptional circumstances apply or permitted by other policies within the Plan. Relevant to this application is Policy 8 which permits new visitor accommodation where it is appropriate to the scale and character of the area and is not used for permanent residential accommodation. The Policy goes on to further require that proposals or visitor accommodation within the countryside will be supported where they are necessary to meet identified visitor needs, and respects the character of the countryside, and demonstrates clear opportunities to make its location more sustainable.
50. The NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are categorised as economic, social and environmental objective. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that significant

weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In particular in rural areas, paragraph 83 of the NPPF states that sustainable rural tourism which respect the character of the area should be enabled.

51. In addition, the CDP highlights the role that tourism accommodation in rural areas, can have in delivering a positive impact on the local economy, including some social benefits. The visitor economy is important to County Durham, with 92% (approximately 18.1m) being day visitors, spending on average £21.52 per day, whereas overnight visitors spent on average around £184.13 per trip. In this way, around 42% of all tourism expenditure in the county can be attributed to only 8% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.
52. Visit County Durham, the tourism management agency for the County, supports the application and considers the location of the development will support neighbouring visitor attractions. It is therefore considered that there is a need for this development in terms of increasing the amount and type of accommodation on offer within the area, and although economic benefits have not been quantified as part of the application, it reasonable to conclude that this proposal would have a positive impact upon the tourism accommodation offer of this part of the County, as well as the wider local economy for associated visitor expenditure.
53. Having regard to the above, it is considered that there would be a positive benefit to the local economy as a result of increased visitor numbers, increased revenue and job creation; factors which would carry significant weight in the planning balance. Visitor spend in surrounding settlements would have some positive effect on the economies of the local area and proposals have been welcomed by Visit County Durham. The proposal adds to the economic and social objectives of the NPPF.
54. Overall, it is considered that in principle the siting of tourism accommodation in this location is acceptable, the key issues, are therefore whether the proposal in environmental and social terms, are acceptable, as considered below.

#### Landscape/Visual Impact

55. Policy 39 of the CDP supports new development where it would not result in unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. The policy sets out that developments affecting Areas of Higher Landscape Value will only be permitted where it conserves and where appropriate enhances the special qualities of the landscape unless the benefits of the developments in that location clearly outweigh the harm.
56. Policy 40 seeks to resist development which would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
57. Policies 8 and 10 of the CDP seeks to ensure that developments have an acceptable impact on the character and appearance of the area and landscape.
58. The application site is located approximately 130m north of the boundary of the North Pennines Area of Outstanding Natural Beauty (AONB), the boundary of which runs south of the railway line. Policy 38 of the CDP states that the North Pennines Area of

Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. Para. 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

59. The site itself lies in an area identified as an Area of Higher Landscape Value in the CDP. This area is considered to be a valued landscape under the terms used in NPPF 2018 Paragraph 170. A number of objections have been received with respect to the visual impact of the development.
60. The huts are proposed to be located within an enclosed garden space to the south west of the main dwelling. They are proposed to be orientated at an angle, predominantly facing southwards, set centrally within the site. New dry-stone walling is proposed along the northern boundary and between the huts to delineate each of the plots. Following concerns from local residents and the Council's Landscape Officer regarding a previous reconfiguration of boundary wall on the site, all walls will remain in situ. This also including the planting and vegetation which help screen this element of the site from the east. The applicant has also detailed additional planting to the south of the site, just north of the existing stonewall which is also proposed to be repaired along with others on the site. In addition to these works, a new 1.8m high dry-stone wall is proposed to the south of the boundary of the neighbouring property with a view of providing some screening of direct views of the development. A designated refuse area is shown to the south of the roastery building, adjacent to the allocated car parking spaces.
61. The shepherd huts are considered of a modest scale, commensurate with the size of the plot to which they are sited. Whilst some consider them to be uncommon features of the countryside, they are becoming increasingly popular within the Teesdale area due to their small compact nature and ability to provide affordable tourist accommodation. Planning permission was previously granted for 3no camping pods and WC building to be located to the northeast of the site, despite this being a much more prominent location in terms of the visual impact. The Shepherd huts have been lowered in height and are of a colour which will help assimilate them into the local landscape.
62. The current site is set back from main public vantage points and the applicant has made effort to screen the development from main views, including the introduction of stone walling and plating. When viewed from the outside of the site the huts would be seen against the backdrop of existing residential and other developments rather in an isolated location. It is considered that in the round whilst limited views of the huts in the wider landscape may be achievable the proposal would not have a significant adverse impact on the site or local landscape character of the area, subject to conditions controlling detailing of screen planting and repair of dry stone walling.
63. Accordingly, whilst there may be some limited landscape impact is considered that this level of harm would not negatively impact on the wider Area of Higher Landscape Value or adjacent AONB in accordance with Policies 8, 10, 29, 39 and 40 of the County Durham Plan and Part 15 of the NPPF.

64. Policy 31 of the CDP seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Policy 10 of the CDP seeks to ensure that development in the countryside do not have an impact adversely upon residential or general amenity.
65. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
66. Objections have been raised with respect to the location of the development in relation to the neighbouring property, Lonton Blacksmiths, in respect to noise and general disturbance to local residents.
67. It is acknowledged that the huts are sited within relatively close proximity to the neighbouring property, at a distance of approximately 30m. Although not directly applicable, the CDP Residential Amenity Standards, Supplementary Planning Document advises that for new development, there should be a distance of 21m between two-storey properties with facing windows in order to protect residential amenity. In the round this separation distance is considered acceptable. Furthermore, the applicant has detailed a 1.8m high stone wall to be positioned between the neighbour and the huts to provide additional screening whilst the huts have been sited to the southern portion of the plot with doors opening southwards.
68. Given the nature of the development, although small in scale, it is acknowledged that noise and disturbance could be generated from the site. However a noise management plan has been submitted in support of the application which states that users of the huts will need to sign an agreement upon arrival relating to a curfew between the hours of 2200h and 0700h, with no use of musical instruments, hi-fi, televisions, radios etc in a manner audible to others; no visiting dogs and no additional guests beyond the berth of the huts. In addition, a complaints procedure has been outlined to detail how any breach of rules will be handled.
69. The Council's Environmental Health Officer has assessed the noise management plan and subject to a condition requiring adherence to the plan raised no objection to the proposal. Effective management by those residing on the site will likely ensure any late-night disturbances and possible antisocial behaviour by occupants is quickly dealt with. The applicant resides in the property to the north which is sited approximately 40m from the application site.
70. Concerns have also been received that the proposal will lead to light pollution in what was otherwise a very dark area. The application details bollard down lighting in and around the site, where occupants of the huts will walk, such as the car park and recycling area. The applicant advises that these will be motion detecting and to switch off after a few moments to avoid and undue lighting. A condition to control this is recommended.

71. Concerns have also been raised regarding the use of log burners to heat the Shepard's huts and the potential use of BBQ's which may cause a nuisance to neighbouring properties. Given officers experiences with such developments, it is considered likely that both of these would likely be used at some point during occupants stay. However, it is considered that a significant loss of residential amenity would not arise in this respect. The Councils Environmental Health Officer does not highlight these matters as potential significant impacts. However, in the unlikely event that significant impacts do arise the Councils Environmental Health Section have statutory powers to regulate such matters.
72. Overall, whilst recognising and appreciating residents' concerns regarding noise and disturbance it is considered that a significant loss of residential amenity will not arise that would justify refusal of the planning application and substantiation of any refusal on this matter at appeal. Accordingly, subject to conditions the application is considered to comply with the provisions of Policies 10 and 31 of the CDP and Parts 12 and 15 of the NPPF.

## Highways

73. Policy 10 of the CDP sets out that development in the countryside shall not be prejudicial to highway safety. Policy 21 of the CDP seeks to ensure 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. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 8 of the CDP sets out that new development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
74. NPPF Part 9 seeks to ensure that development 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. Objections have been received with respect to highway safety, highlighting the access location on the sharp bend of the B6277.
75. As part of consideration of the application, the Council's Highways Authority have been consulted on the application and advise that a section of the drystone wall, to the north of the access, which forms the eastern boundary of the site be reduced in height to visibility when egressing left onto the B6277. Accordingly, plans detail the removal of the coping stone and any vegetation which could grow beyond this height. However, in terms of visual appearance, it is suggested that the wall be reduced in height and the coping stones reapplied to ensure the wall assimilates into its rural setting. This matter can be controlled by condition, ensuring that there would be no unacceptable impacts on the surrounding landscapes. The reduction in height of the wall in this location was also considered acceptable under the 2012 planning approval.
76. The proposed huts are to be served by 1no car parking space each which is to be located to the east of the site within the paddock, at the end of the existing drive. The Highways Authority advise there is ample space for manoeuvrability to permit users to exit the site in a forward motion.
77. In terms of accessibility of the site, it is acknowledged that the site is located in a rural location, however the site is located on the no.95 bus route linking Middleton-in-Teesdale to Barnard Castle at regular intervals through the day and evening. Bus stops

are located approximately 360m from the site. The former Teesdale Railway Walkway is located 490m from the site and the surrounding PROW network provides walking links to the surrounding area. In the round while it is acceptable that future users will likely use private transport to access the site there are sustainable options for occupiers to access services, amenity, and attractions in the area.

78. Subject to the above, it is considered that the proposals would satisfy the provisions of Part 9 of the NPPF and Policies 10 and 21 of the CDP and would not negatively impact on highway safety.

### Ecology

79. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity.
80. Objections have been raised with respect to alterations of the stonewalls which could serve as a natural habitat on location wildlife. DCC's Ecologist has been consulted on the application and advises that there are no objections to the proposed development on ecological grounds. Furthermore, other than the reduction in height of the boundary wall at the site entrance, internal boundary walls will remain intact.
81. Overall it is considered that the proposals would therefore satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.

### Other matters

82. The applicant has advised that foul and surface water from the site would drain into the existing surface water drainage network and an existing package treatment plant. This approach is considered acceptable in accordance with Policies 35 and 36 of the CDP and Parts 14 and 15 of the NPPF.

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## **CONCLUSIONS**

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83. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
84. The proposed scheme has been assessed against relevant policies of the CDP. It is concluded that the proposal conforms to these policies, as the proposal will result in a small but nonetheless valuable contribution to the rural tourism economy and would not have a significant impact upon the wider landscape (including AHLV or AONB), character and appearance of the area, the residential amenity of surrounding properties, highway safety or ecological interests.
85. The proposal has generated some public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate a decision should be otherwise.

86. The application is therefore recommended for approval subject to conditions.

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## **RECOMMENDATION**

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87. That the application be **APPROVED** subject to the following conditions

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 following approved plans:

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 8, 21, 29, 31, 38, 39 and 40, of the County Durham Plan and Parts 2, 4, 6, 9, 12, 14, and 15 of the National Planning Policy Framework.*

3. The authorised use of the development is limited to commercial holiday accommodation only and shall not be used as a person's sole or main place of residence, or as a second home. No holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and contact details. This information shall be made available upon request to the Local Planning Authority.

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

4. In the event that the Shepard huts facilitating the holiday accommodation use, have not been used for holiday accommodation for a continuous period of 24 months, they shall be removed from site and the site reinstated to its former use.

*Reason: In the interests of visual amenity within the open countryside as the glamping pods are supported as an exception to the rural areas policies for visitor accommodation and if there is no longer economic demand for the use the land should be restored to its former use in accordance with Policy 10 of the CDP and Part 15 of the NPPF.*

5. Notwithstanding the submitted information, no more than 2 Shepherd huts in total shall be sited at any one time to facilitate the holiday accommodation use hereby granted. The shepherd shall be sited in accordance with the Proposed Site Plan dated 01.03.2021, with the main access doors facing south and their appearance shall match that set out on the Elevations plan 2<sup>nd</sup> March received 2021.

*Reason: to define the development and in the interests of visual and residential amenity in accordance with Policies 8, 10 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

6. The development hereby approved shall not be brought into use until the 1.8m high dry stone wall to the north of the shepherds huts, as detailed in the 'Site Plan, Rev B' has been constructed to match other walling in the immediate locality in terms of design and style.

*Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the Country Durham Plan and principles of the NPPF.*

7. Prior to the first use of the Shepard's huts hereby approved, a final noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The use of the site shall be operated in strict accordance with the approved noised management plan thereafter.

*Reason: In the interests of the amenity of nearby dwellings in accordance with Policy 8, 10 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

8. No external lighting shall be installed until full details of the lighting has been submitted and approved in writing by the Local Planning Authority. The lighting should then be installed and managed in accordance with the approved details.

*Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the Country Durham Plan and principles of the NPPF.*

9. The development hereby approved shall not be brought into use until the section of stone wall adjacent to the access point as identified on Site Plan, Rev B', has been reduced in height to a maximum of 1.0m in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the height of the wall shall not exceed 1m in height and any shrubs in this area, exceeding the height of the wall shall be removed and thereafter maintained in perpetuity for the lifetime of the development hereby approved.

*Reason: In the interests of highway safety and to comply with Policy 10 of the County Durham Plan and Part 9 of the NPPF*

10. Prior to the first occupation of the accommodation hereby approved, all parking spaces as shown on the approved 'Site Plan, Rev B' shall be constructed and made available for use. Thereafter these parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles for occupiers of the holiday accommodation.

*Reason: In the interests of highway safety and to comply with Policy 10 of the County Durham Plan and Part 9 of the NPPF*

11. Prior to the first use of the holiday accommodation hereby approved a programme of repair and restoration of the dry stone walls around the site as set out on Site Plan, Rev B' shall be submitted to and approved in writing by the Local Planning Authority. The repair works shall then be carried out in accordance with the approved details including timeframes for completion.

*Reason: In the interests of visual amenity of the surrounding area and landscape in accordance with Policies 8, 10, 38 and 39 of the Count Durham Plan and Parts 12 and 15 of the NPPF.*

12. The development hereby approved shall not be brought into use until details of the new screen planting/hedging along the southern boundary of the camping site, including the exact location and full planting specification (planting species, sizes, densities, numbers and rabbit protection details) have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the planting shall be carried out within the first available planting season following first occupation of the Shepherd huts. Any plants which die, fail to flourish or are removed shall be replaced in the next planting season with others of similar size and species. Replacements shall be subject to the same requirement to replace.

*Reason: In the interests of the visual amenity and to comply with Policies 8, 10, 29, 39 and 40 of the County Durham Plan and aims of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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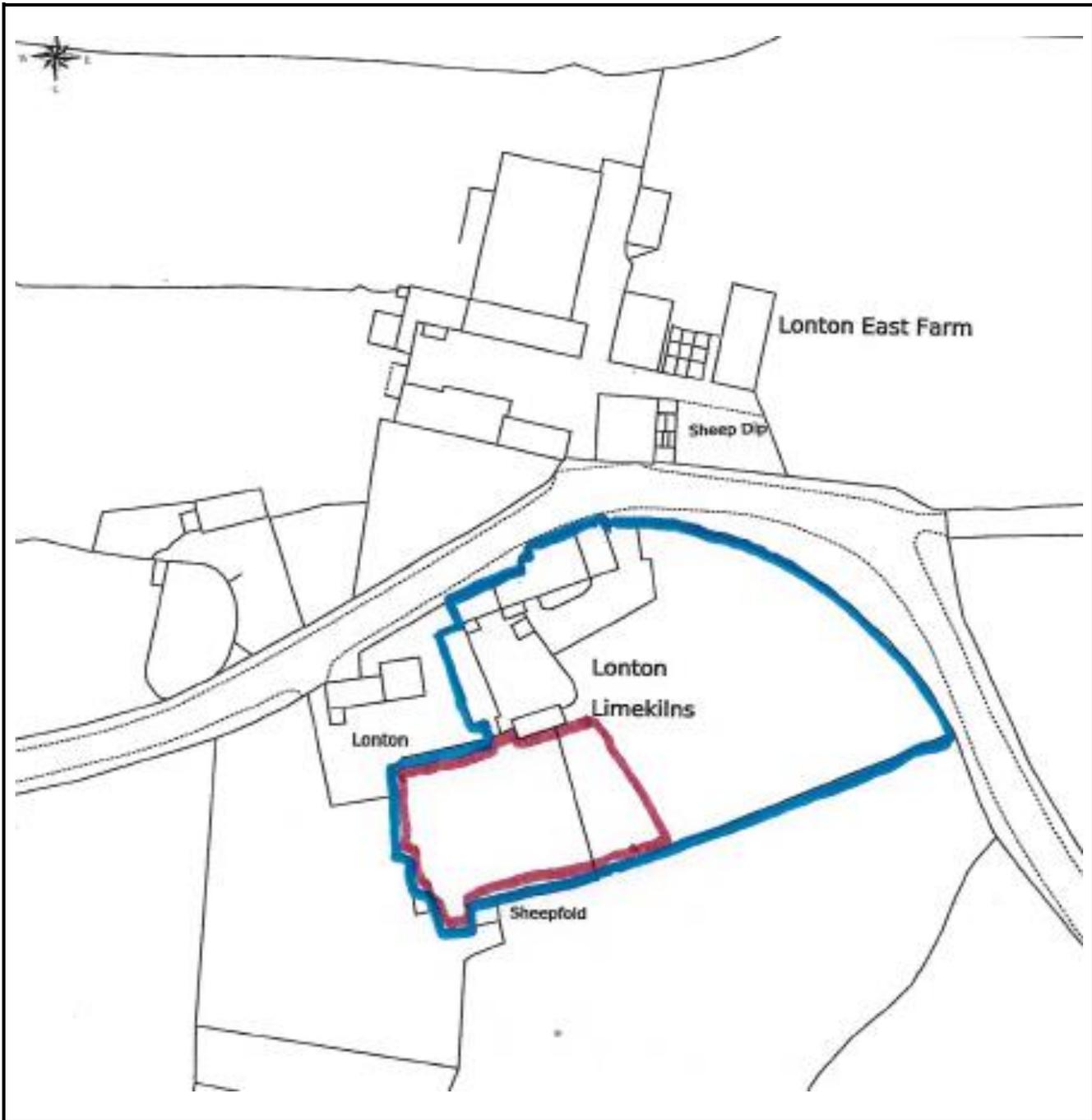
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to a later stage in the development

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>DM/21/00176/FPA Limekilns Farm, Lonton, Middleton-in-Teesdale</p>	
<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>	<p><b>Comments</b></p>	
	<p><b>Date</b> March 2021</p>	

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/20/03744/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion and extension of pavilion to form café/kiosk and WC facilities
<b>NAME OF APPLICANT:</b>	Wolsingham Parish Council
<b>ADDRESS:</b>	Building South West of St Annes Centre West End Wolsingham DL13 3AP
<b>ELECTORAL DIVISION:</b>	Weardale
<b>CASE OFFICER:</b>	Adam Williamson, Planning Officer, 03000 260826, <a href="mailto:Adam.williamson@durham.gov.uk">Adam.williamson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located in Wolsingham Recreation Ground, sited within the village of Wolsingham to the South West of the County. The proposals relate to an unused single storey brick-built structure, sited to the western site boundary. Access to the building is predominantly restricted to pedestrians, via the recreation ground, however a public car park is located to the northern boundary of the site adjacent the A689. The application site is located within Wolsingham Conservation Area
2. To the north of the building lies children's play equipment and mature trees, beyond lies the A689. To the east of the building lies additional play equipment and Wolsingham Bowling Club, beyond these lie the residential dwellings of Mill Race. To the south of the building a skate park and playing fields are located. To the west of the building lies the residential dwelling of 'Strandfield' and its residential curtilage, separated by a close boarded boundary fence and mature vegetation.

#### The Proposal

3. Planning permission is sought for the change of use and extension of the building to provide W.C facilities and a Café/kiosk. It is proposed that the W.C facilities consisting on 3no. toilets would be provided to the northern side elevation of the existing building and in an infill extension measuring 3.2m x 2m. The remainder of the building would be used as a café/kiosk serving hot and cold refreshments and food. An existing part flat roof would be replaced with a pitched roof to tie in with the existing ridgeline. Additional hardstanding's and an access ramp would be provided to improve pedestrian access, a waste storage area would be provided to the southern elevation.

4. It is proposed that the building would be open to members of the public from 11am to 4pm weekdays and 10 am to 5pm at weekends and school holidays.
5. The application is being reported to the Planning Committee at the request of Cllr Shuttleworth due to concerns relating to residential amenity.

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## **PLANNING HISTORY**

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6. None relevant

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. *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 plan-making and decision-taking is outlined.
9. *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.
10. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *NPPF Part 7 Ensuring the Vitality of Town Centres* – Sets out that Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
12. *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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

18. 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; historic environment; design process and tools; determining a planning application; healthy and safe communities; light pollution; natural environment; noise; public rights of way; town centres; use of planning conditions; and; water supply, wastewater and water quality.

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

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

The County Durham Plan (CDP)

19. *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.

20. *Policy 9 (Retail Hierarchy and Town Centre Development)* sets out that the CDP will look to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. Proposals for town centre uses, as defined by National Planning Policy Framework (NPPF) not located within a defined centre, as shown on the policies map, will be required to provide a sequential assessment. Where an application fails the sequential test or would have a significant adverse impact on investment or the vitality and viability of a town centre, it should be refused.
21. *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.
22. *Policy 29 (Sustainable Design)* All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
23. *Policy 30 (Hot Food Takeaways (A5 uses))* Sets out that in order to minimise the detrimental impacts of an over concentration of hot food takeaways, planning applications for A5 uses will be carefully considered. Where a proposal would lead to more than 5% of premises in A5 use, or where the A5 levels are currently above 5% and a proposal would further increase this, applicants will be required to demonstrate that the proposal would not detract from a centre's vitality and viability. Where a proposed A5 use is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in relation to noise and odours. Where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.
24. *Policy 31 (Amenity and Pollution)* 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. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. *Policy 35 (Water management)* requires all development proposals 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. All new development must ensure there is no net increase in surface water runoff for the

lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

26. *Policy 36 (Water infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
27. *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.
28. *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.
29. *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.

<https://www.durham.gov.uk/cdp>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

30. *Highways Authority* – No objections

### **INTERNAL CONSULTEE RESPONSES:**

31. *Ecology* – Offer no objections.
32. *Environmental Health (Noise)* – Following the submission of additional information offer no objections. Conditions are recommended to ensure that the building does not operate as a hot food takeaway, has restricted opening hours and to ensure that a details scheme of odour suppression and extraction are agreed.
33. *Design and Conservation* – Advise that proposed alterations to the building would not have a detrimental impact on the character and appearance of the conservation area. The bringing of the building into a functional use would be a marginal improvement on its current semi-derelict appearance.

### **PUBLIC RESPONSES:**

34. The application has been advertised by way of individual neighbour notification letters to nearby properties and a site notice has also been displayed. The application has

also been advertised in the press. In response to the consultation exercise one letter of objection has been received in relation to the proposed development as summarised below:

- The building has been used as an implement shed, the description as a pavilion is misleading.
- Any additional need for a public toilet is restricted to peak times in summer months, other options including being sited at the St Anne's centre would be less costly.
- The Parish Council have been unwilling to engage to address concerns of residents of the development.
- The proposed items for sale are considered to constitute a hot food take away rather than a café. The proposal could allow the unrestricted sale of hot food takeaway items.
- No hours are proposed, given the unrestricted proposed opening the use be used on afternoons, weekends, holidays of extended to 24/7.
- It is envisaged that pupils of Wolsingham school would be a target of whichever operator there would be. The recreation ground is extensively used by pupils from the school at lunchtimes and after school.
- Policy 32 of the County Durham Plan states that any new takeaways should within 400m of an existing or proposed school or college building will not be permitted. The proposal is located within 137m of Wolsingham School.
- Noise and odour from the kitchen as well as the storage of waste is considered to have significant impacts on residential amenity. Other impacts from the later opening hours and congregations of patrons outside the premises will contribute to a bad neighbour type of use.
- No details have been provided on waste collection including frequency and times of delivery which could impact on residential amenity.
- Existing toilets in the vicinity of the site have caused smells and odours even when frequently cleaned. The development provides a congregation point and a focal point for anti-social behaviour. The openings of the toilet doors would be towards the living space of neighbouring residents at a distance of 11m.
- There is limited lighting around the building, no details have been provided.

35. 11 letters of support have been received in relation to the proposed development, as detailed below:-

- The building has been used as a former pavilion
- The provision of additional facilities on the site warrants the need for additional toilet facilities, the current facilities are inadequate.
- The additional usage of the building as a Kiosk/Café is long over due as the ice cream van brings pollution from fumes. The facility would serve the people using the recreational facilities.
- The development would lead to employment opportunities.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

## **APPLICANTS STATEMENT:**

36. Wolsingham recreational park is a popular place for both existing residents and visitors. The park can be easily accessed on foot, by bike, bus and car with parking facilities available on site. The park includes play equipment, picnic benches, outdoor gym equipment, skatepark, football pitch and Wolsingham Parish Council are in the preliminary stages of gaining funding to construct tennis courts within the site. The Wolsingham Family Walk advertised on This Is Durham starts from the parking area.

37. The park promotes a good quality of leisure, sporting and recreational activities and it is vital that there are suitable facilities on site to support this.
38. The site currently has a WC kiosk to the north east of the site with 1 Accessible toilet available and an ice-cream van parks in the parking area throughout the year.
39. St Anne's Centre to the north east of the proposal was considered by Wolsingham Parish Council as potential additional WC facilities but because of private functions there was a serious question raised on safeguarding issues for children and vulnerable people.
40. The proposal is to convert and extend the existing single storey brick building into a café with 3 toilets, the third accessible toilet will be within the extension. The extension will be constructed of brick to match the existing. The proposal will be an effective use of an existing building located between the play equipment and the skate park.
41. Wolsingham park is a popular park for local families and visitors alike. The café will enhance the existing attraction, support visitor economy and create employment opportunities.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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42. 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 relate to the principle of development, visual/heritage impact, residential amenity and other matters.

The Principle of the Development:

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, the NPPF represents a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020, and as such represents the up to date development plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
44. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
  - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
45. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect the site is considered to be located within the built up area of Wolsingham and therefore Policy 6 is considered applicable to the development proposal.
46. Further to this, Policy 9 of the CDP seeks to support existing town centres by ensuring that appropriate development is located within them and preventing development outside of town centres which may undermine their vitality and viability. In this respect Policy 9 sets out that town centre uses as defined by the NPPF will be required to provide a sequential assessment. Although not specifically referred to, a café use is considered to be capable of falling within the NPPF definition of a town centre use depending upon its nature and size. The NPPG also provides further guidance on this matter setting out that the use of the sequential test should recognise that certain main town centre uses have market and locational requirements which mean that they may only be accommodated in specific locations. Paragraph 88 of the NPPF also sets out that a sequential approach should not be applied to applications for small scale rural development. In considering the proposal in this context, it is noted that the proposed floor space of the café/kiosk amounts only amounts to approximately 15sqm total. Given the size of the development and that it is directly targeted at users of the recreation and leisure site, along with providing additional facilities, it is considered that a sequential assessment is not required in this instance and the proposal is unlikely to have impact on the vitality and viability of the town centre.
47. Objections have been received in relation to the possible use of the development as a hot food takeaway. A typical menu has been produced setting out that a range of foods would be provided, including hot and cold sandwiches, jacket potatoes along with burger and chips, hot dogs and ice creams. It is also stated that a range of hot and cold drinks would be offered. Whether a proposal falls under a hot foot takeaway use

or a café/kiosk use is a matter of fact and degree, based on the level of sales of different elements. Officers experiences with similar sort of proposals is that a large volume of sales tend to revolve around hot and cold drinks and snacks, rather than hot food. However, should this not be the case, the Local Planning Authority could exercise its enforcement powers should it be in the public interest to regulate the use. It is therefore considered that the proposal would not be subject to Policy 30 of the CDP which seeks to limit the siting of hot food takeaways in proximity of schools.

48. Overall, taking the above into account, given the limited scale of the proposals and that they are directly linked to the operation of the leisure/play site, it is considered that the development would not have an adverse impact on the vitality and viability of the town centre and a sequential test is not required. In principle it is considered that the development of the site is acceptable subject to assessing the detailed impacts of the proposals and meeting relevant criteria of Policy 6.

#### Visual/heritage Impact

49. Policy 6 part d, of the CDP requires that developments on unallocated sites are appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement, 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.
50. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within Part 16 of the NPPF. The site is located within the Wolsingham Conservation Area, and therefore regard is also to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker
51. Policy 40 seeks to resist development which would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
52. NPPF parts 12 and 16 also advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
53. The existing building is located adjacent to the western site boundary of the recreation site. Although there is limited visibility external to the site the building is in a relatively untidy condition with unattractive steel railing gates securing the building.
54. In considering the impacts of the proposal, the Council's Design and Conservation Officer advises that that given the modest works and the location of the structure, the development the building would not have a detrimental impact on the character and appearance of the conservation area. It is also advised that the associated

development of bringing the building back into a functional use would represent a marginal improvement on its current semi-derelict appearance.

55. A number of mature trees are located down the western boundary of the site, however the building and location of the proposed extension are, in large located outside of the root protection area of these mature trees. A self-seeded tree is located in close proximity to the building which would need to be removed to facilitate its extension. Although the loss of a tree is always regrettable, given its quality and remaining tree cover this is not considered to have a significant impact on the character and appearance of the area.
56. Overall it is considered that the development would represent the re-use of an unattractive building resulting in the improvement of the character appearance, or setting of the conservation area in this location in accordance with Policies 6, 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.

#### Residential Amenity

57. Policy 31 of the CDP seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Policy 6 of the CDP seeks to ensure is compatible with, and is not prejudicial to, any existing use of adjacent land.
58. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
59. Objections from an adjacent resident been raised with respect to the location and nature of the development, and the potential impacts on residential amenity.
60. In this respect the building (and proposed extension) is located approximately 20m from the rear south east corner of the dwelling known as 'Strandfield'. The application site is screened from this property through a 1.8m high close boarded boundary fence and vegetation. While it is recognised that there are established impacts associated with the use as the site as a recreational ground, particularly with the siting of children's play equipment in close proximity of the site boundary, the proposal has the potential to introduce additional impacts.
61. In assessing these potential impacts of the development, consultation has been held with the Council's Environmental Health Officer. After reviewing the submitted and additional information, including details of the opening hours, likely food on sale and details of waste management, the Council's Environmental Health Officer offers no objections to the proposals. This is subject to conditions limiting the opening hours and providing details of extraction equipment. While it is accepted that the proposed development will focus activities on a underdeveloped part of the recreation site, it is considered that noise and disturbance levels would not be significantly greater than the established impacts of the site. It is also noted that there are play equipment and

other associated infrastructure closer to the main dwelling than the proposed building and use.

62. Objections have been raised in regard to the potential for odours associated with the W.C and bin storage to impact on amenity levels. However, the Council's Environmental Health Officer offers no objection in this respect, and it is considered that this matter would come down to the proper management of the facilities. While recognising that the Parish Council would be responsible for running the facilities, Environmental Health also has statutory powers to enforce such matters. The presence of a café/kiosk adjoining the W.C facilities is also considered to provide a degree of self regulation in relation to this matter.
63. Overall, whilst recognising and appreciating residents' concerns regarding noise, disturbance and smells, it is considered that a significant loss of residential amenity would not arise that would justify refusal of the planning application and substantiation of any refusal on this matter at appeal. Accordingly, subject to conditions the application is considered to comply with the provisions of Policies 10 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Other Matters

64. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. In reviewing the submitted ecology report including bat survey, the Council's Ecology officer raised no objections to the development, the proposals are therefore considered to satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.
65. Given the existing parking provisions on site, parking restrictions on the main highway and the accessibility of the proposal the Council's Highway Authority offers no objection to the proposal. The development is therefore considered to comply with Policies 6 and 21 of the CDP and Part 9 of the NPPF.
66. Foul and surface water from the site would drain into the existing surface water drainage network and an existing package treatment plant. This approach is considered acceptable in accordance with Policies 35 and 36 of the CDP and Parts 14 and 15 of the NPPF.

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## **CONCLUSIONS**

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67. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
68. The proposed scheme has been assessed against relevant policies of the CDP. It is concluded that the proposal conforms to these policies, as the proposal would represent an improvement to the character and appearance of the conservation area in the immediate location, would not have a significant impact on residential amenity, highway

safety or ecological interests and would provide a facility that would benefit users of the recreation ground.

69. The proposal has generated some public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate a decision should be otherwise.
70. The application is therefore recommended for approval subject to conditions.

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## **RECOMMENDATION**

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71. That the application be **APPROVED** subject to the following conditions
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 following approved plans:  
  
*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 40 and 44 of the County Durham Plan and Parts 2, 4, 9, 12, 14, and 15 and 16 of the National Planning Policy Framework.*
  3. No external lighting shall be installed until full details of the lighting has been submitted and approved in writing by the Local Planning Authority. The lighting should then be installed and managed in accordance with the approved details.  
  
*Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the County Durham Plan and principles of the NPPF.*
  4. The premises shall not be open to customers outside the hours of 1000 to 1700 on any day of the week.  
  
*Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*
  5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall only be used as a Café/Kiosk and for no other use (including as a hot food takeaway)  
  
*Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*
  6. The café/kiosk element of the development shall not be brought into use until a scheme to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority. All equipment

detailed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with the approved details so long as the use continues.

*Reason: In the interest of the amenities of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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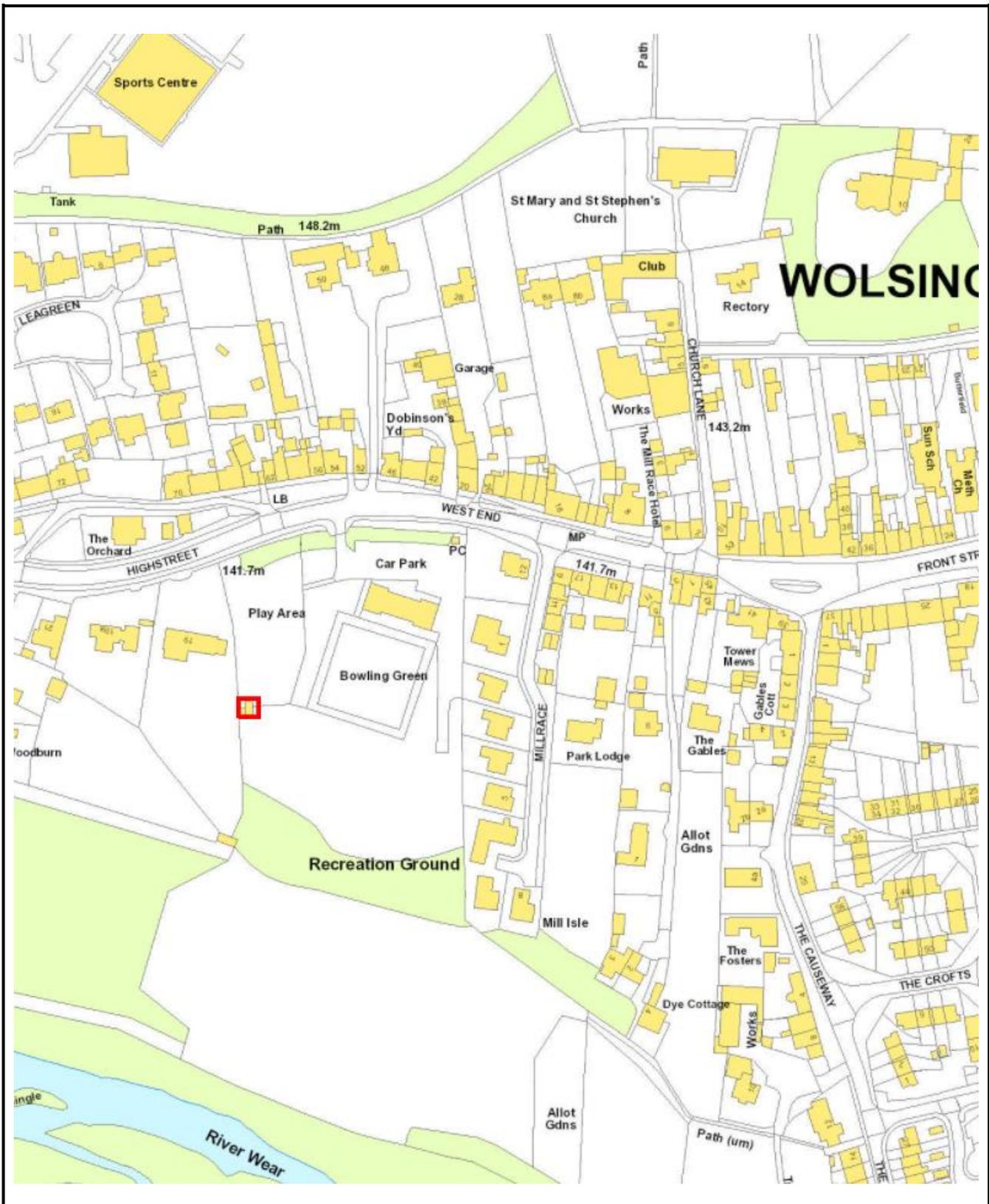
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to a later stage in the development

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>DM/20/03744/FPA Building South West of St Annes Centre West End Wolsingham DL13 3AP</p>	
<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>	<p><b>Comments</b></p>	
	<p><b>Date March 2021</b></p>	

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/20/01603/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	37 no. dwellings with associated access and landscaping (amended engineering plan and drainage scheme 4.2.2021)
<b>NAME OF APPLICANT:</b>	Kebbell Development Ltd
<b>ADDRESS:</b>	Site of former St Peters School, Main Road, Gainford
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Amy Williamson, Senior Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site measures 5.34 ha in area and relates to part of the former St Peters School site and undeveloped land, located on the A67 to the east of Gainford. The site is in a detached located around 200m from the eastern settlement edge of Gainford, which is defined by dwellings on Main Road and Eden Park and Gainford Medical Practice. The vast majority of the application site is located within the Gainford conservation area.
2. To the north of the site the dwelling 'The Manse' is located, the A67 and agricultural fields lie beyond. To the east of the site the principle remaining building of the former St Peters School are located, along with agricultural allotments. An access track leading to a sewage works is sited along the western boundary of the site. To the south of the site the sewage works are located with the River Tees beyond. To the western site boundary the dwellings of 'Sentosa' and 'Holme Cottage' are located, agricultural fields are located beyond.

#### Proposal and Background

3. Planning permission has previously been granted in 2019 for erection of 48 no. new build dwellings, conversion of the school building adjacent to the A67 to 9no. flats, associated demolition, landscaping and provision of open space. This scheme has not been implemented, but remains extant. The former school building adjacent to the A67 and associated access are in separate ownership and no longer forms part of the current application. As such there are no longer proposals to convert this building or include it as part of the development of the site in a comprehensive approach as was previously proposed. A new access point is also now detailed in this latest application.

4. Planning permission is now sought for the erection of 37 no. dwellings on the site. The dwellings would primarily be detached with 11 no. affordable rented and discounted sale semi detached and terraced dwelling proposed.
5. A new vehicle access would be provided off the A67 to the west of the existing school building and between a dwelling known as 'The Manse'. This would lead down a central spine road through the site leading to private drives to the east and west.
6. A large landscaped area would be provided to the south of the dwellings, comprising amenity and wildflower grassland, tree and scrub planting. This would include a series of footpaths, some mown meadow paths and others surfaced with hoggin connecting to an existing riverside footpath and to the track to the east. A SuDs basin is also proposed within the landscaped area immediately to the south of the dwellings.
7. It would be necessary to remove around 12 no. individual trees and 7 no. groups of trees/hedging to accommodate the proposed development.
8. The dwellings would be constructed using traditional brick, with slate and pantiled roofs and would include traditional features including sash style windows, head and cill detailing and door surrounds. The dwellings would have their own off street parking spaces, together with 9 no. visitor parking spaces scattered throughout the site.
9. The application is being reported to planning committee as it constitutes major development and as it is recommended for refusal, the applicant does not wish for the matter to be determined under the extended scheme of delegated powers.

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## **PLANNING HISTORY**

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10. Planning permission DM/18/01980/FPA was previously granted in 2019 for erection of 48 no. new build dwellings, conversion of the school building adjacent to the A67 to 9no. flats, associated demolition, landscaping and provision of open space. The approved scheme was never implemented.
11. Planning permission DM/15/00730/FPA was granted in 2019 for part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure. The approved scheme has not been implemented.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
13. *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 plan-making and decision-taking is outlined.

14. *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.
15. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
16. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

23. *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:**

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

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

The County Durham Plan (CDP)

25. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. 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.
27. Policy 10 (Development in the Countryside) states that development 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, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

28. Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Soil on previously undeveloped land should be properly managed.
29. Policy 15 (Addressing housing need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
30. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
31. 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 should have regard to Parking and Accessibility Supplementary Planning Document.
32. Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
34. 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.
35. 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 they 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 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.

36. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. Policy 35 (Water management) requires all development proposals 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
40. Policy 40 (Trees, woodlands and hedges) states 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.
41. 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.
42. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

43. 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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
44. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

#### **EMERGING PLAN:**

##### Gainford and Langton Neighbourhood Plan (GLNP)

45. A Neighbourhood Area was designated in 2013. Whilst there have been some public consultation events and questionnaires circulated throughout the village, there has been no further progress since. The GLNP has not yet reached a stage where weight can be afforded to it.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

46. *Gainford Parish Council* – No response received
47. *Environment Agency* – No objections subject to condition for development to be carried out in accordance with submitted flood risk assessment and to ensure no built development takes place within flood zones 2 and 3.
48. *Highway Authority* – No objections, note that the applicant would be required to enter into agreements under the Highways Act 1980 for the adoption of the new road and new access onto the existing public highway and to obtain a Road and Street Works Permit. The new roads through the site would also need to be subject to a 20mph speed limit controlled via a Traffic Regulation Order, which would form part of the Highways Act Agreement.

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

49. *Archaeology* – No objections as the remaining school building is no longer included in the scheme.
50. *Ecology* – Notes that a Preliminary Ecological Assessment (PEA), both original and updated version, a Bat Transect Survey and Metric Biodiversity Calculation have been submitted as part of the application. Following the submission of amended plans, areas of habitat creation, and in particular the wildflower meadow creation areas, have been altered and are included in the landscaping plans. While it is understood that the wider improved grassland areas will also be enhanced (through appropriate management etc), however no details of this are provided and it is not included in the metric. Proposed monitoring intervals, which should be included with the management principles have not been provided. Monitoring is essential as it ensures that the target habitats are reached and that any appropriate management interventions are identified. The location of the recommended 4 integrated bat box units, should be

included on the proposed site plans to ensure their likely delivery. This has not yet been provided. A condition to agree a sensitive external lighting scheme would also be required.

51. *Spatial Policy* – Advise that the proposals do not comply with Policy 6 of the CDP. The Council can demonstrate a 5 year deliverable housing land supply. A minimum of 7 no. affordable dwellings, comprising 3 no. affordable home ownership and 4 no. affordable rent should be provided. 10% of the dwellings should be of a design and type that will increase the housing options of older people and should be built to M4(2) standard. Open space contributions of £57,956 would need to be secured as part of a s106 agreement.
52. *Design and Conservation* – Raise concerns that the development of the housing element only would appear as a development in isolation from the existing settlement with little benefit to the former school building which is considered a non-designated heritage asset. The layout and orientation of dwellings at the vehicular entrance to the site presents a bank gable to the street and does not provide a positive gateway to the development. The orientation of dwellings in this location should be reconsidered. The proposed layout is more inward-looking than the previously approved proposal with dwellings backing on to the open space to the south, resulting in rear boundary treatments addressing the open space. The orientation of dwellings in this part of the site creates an awkward front to back relationship with dwellings further into the site with the frons of plots 1-7 facing the rear boundaries of plots 8-10 and 12-15. The southernmost row of dwellings should be rotated to provided frontage to and natural surveillance of the open space. Some corner turning detail has been added to some units, but this is not reflective of the character of the surrounding area. Whilst the amended plans have improved the design and materials for individual dwellings, the above issues have not been addressed. The development would result in less than substantial harm to the character and appearance of the Gainford conservation area.
53. *Landscape* – No formal comments received, but raised concerns about the practicality of managing and maintaining such a large area of public open space and the orientation of dwellings to the south of the site backing on to the open space when the application was considered by the Design Review Panel.
54. *Arboriculture* – The proposed development will result in the loss of numerous trees inside the site. Of these, the majority are reasonably categorised as ‘C’ within the Arboricultural Impact Assessment (AIA). While they still make a positive impact on the visual setting, particularly group 9 and group 7, they would not be suitable candidates for tree preservation orders and their value is more as part of a group than as individual trees. Of more concern is the removal of the ‘B’ category trees (T14, 15, 17, 18), but again, these alone are unlikely to have a significantly negative impact on the wider visual amenity. The development does however look likely to impact the ‘A’ category trees to the west and south west of the proposed development, adjacent to units 25-31. It would be preferable for a design to allow a greater buffer between the development and the ‘A’ category trees to the west of the site. However, It may be possible to avoid damage to these trees through the submission of a detailed tree protection plan (TPP), which could be agreed by condition, providing it is followed in full and under arboricultural supervision although any deviation from a TPP will increase the risk of tree damage.
55. *Education* – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

56. *Contaminated Land* – No objections, subject to contaminated land condition.
57. *Environmental Health Nuisance* – A noise assessment has been submitted and is carried out to correct methodologies, it identifies the nearest noise generating sources as being road traffic noise from the A67. The report also considers noise and odour from the nearby sewage works. It is noted from the report a separation distance would be provided between it and the proposed dwellings to mitigate against elevated odour levels during certain climatic conditions. Whilst the noise report does not consider noise from the sewage works to be significant, it is considered that some low-level noise might be heard from motors/pumps operating on the site, however the separation distance will help mitigate against this low-level noise. Conditions are recommended to agree details of noise mitigation to specified thresholds, to agreement of a construction management plan and to limit construction working hours.
58. *Environmental Health Air Quality* – No objections, advise that a construction management plan will be required, any use of crushers may require an environmental permit.
59. *Affordable Housing* – The developer will need to ensure that the affordable housing requirements of the area are met.
60. *Drainage and Coastal Protection* – Advise that the permeable paving should be extended to the private access shared drives. Construction details of the permeable paving, design and construction details of the basin and surface water hydraulic design Microdrainage mdx digital files should be submitted, together with a plan indicating all finished floor levels and plot connection drainage indicating cover and invert levels and a Maintenance Plan for the SuDS features. It should be noted that the basin sides should not be steeper than 1 in 5.
61. *Rights of Way* – Note that there is a claimed public right of way crossing the southern part of the site on the riverside, which is expected to have gained public rights by deemed dedication. This path is included within the landscaped area and has been shown on the amended landscape plan. At the Design Review Panel, it was advised that whilst it is beneficial there would be a footpath link along the riverside and northwards through the development, the connection on to the track to the east of the site may be problematic as the northern section is outside the applicant's control and access to new residents along that stretch could be blocked by the land owner.

#### **EXTERNAL CONSULTEE RESPONSES:**

62. *NHS* – In this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.
63. *Northumbrian Water Limited* – No objections subject to a condition to agree details of foul water drainage.

#### **PUBLIC RESPONSES:**

64. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. 6 no. letters of objection have been received in response, with a summary of the key areas of concern as follows:
  - The remaining St Peters School building is an eyesore and has been subject to vandalism and anti social behaviour. In July 2020 the building caught fire, it is considered the building is now even more of an eyesore and potentially dangerous.

Without cohesive proposals for the site including the remaining building, this will continue to attract vandalism and anti social behaviour and is a drain on public sector resources. Building around this derelict building will not remedy these issues.

- New residents would not wish to live next to the fire damaged building, which attracts criminal and anti social behaviour.
- The proposal would involve development on greenfield land, which was previously justified by ensuring viability of the last approved scheme due to high demolition and remediation costs. There is no justification for developing greenfield land as part of these proposals.
- The previous approval addressed the issue of the derelict building and provided environmental improvements to the site. It also utilised an existing access and was approved when the Council's ability to demonstrate appropriate housing land supply was in dispute. These improvements would not be achieved by the current proposal and the Council can now demonstrate an adequate 5 year housing land supply.
- Concern is expressed that if this site is developed it could set a precedent for development on intervening land to the west between the site and the defined settlement edge of Gainford.
- Local residents have not been made aware of the application and that it does not seek to remedy the existing derelict building.
- The development will lead to increased traffic travelling through Gainford and will become a dormitory development for surrounding towns such as Darlington.
- There are not adequate amenities in Gainford to support an additional 37 no. dwellings.
- The site is prone to flooding and is also adjacent to the sewerage works.

65. The Campaign to Protect Rural England object to the application as it can no longer be viewed as enabling development given the exclusion of the former school building. This site is isolated from Gainford and in view of this separation cannot be considered to be well relate" to it under the provisions of Policy 6 of the County Durham Plan. Furthermore the site and surrounding land is designated as an Area of Higher Landscape Value in the Plan.

#### **APPLICANTS STATEMENT:**

66. As you will all be aware, planning permission was granted in 2019 for the comprehensive redevelopment of this site, and at the point of this consent being granted Kebbell had every intention, for it to be implemented and brought forward promptly. Since the approval, Kebbell Homes has worked very hard to try and agree a deal with the other landowner that would allow the site to be developed on a comprehensive basis. However, despite their best endeavours these discussions have not borne fruit.
67. Kebbell appreciate that in an ideal world it would be preferable for the whole site, including the derelict buildings that are remaining but extremely fire damaged and dangerous, be brought forward to enable comprehensive redevelopment. However, this has not proved possible in this instance and so alternative proposals for the site must therefore be considered if the site is not just to sit there derelict in perpetuity.
68. Kebbell cannot force the other landowner to sell them the land nor undertake development on their land without their permission, and Durham County Council have not offered to make use of their Compulsory Purchase Powers to assist, despite the obvious public benefits that would arise from doing so. Kebbell's solution to this dilemma has therefore been to seek a standalone planning permission for their part of the site ( which constitutes the vast majority of the land at St Peter's ) in the hope that by bringing their site forward it would encourage the other landowner either back to

the negotiating table to agree a comprehensive approach, or to give them the necessary confidence to bring forward the development on their part of the site, for which they already have a standalone planning permission. Both schemes can work independently and would be complimentary.

69. This approach has culminated in the submission of the current planning application by Kebbell for housing development on the part of the site that Kebbell own.
70. The current scheme will provide the same benefits to the local community that the original scheme would have delivered including: delivering high quality designed new dwellings within walking distance of local services and facilities, as well as a policy compliant number of affordable housing units, offering first time buyers and those on lower incomes increased opportunities to access new housing. The scheme will also provide an improved area of public open space to the south of the site, for all local residents to enjoy.
71. Whilst this is not the ideal situation, we hope Members can appreciate the difficult position the applicant is in and the efforts of Kebbell to attempting to be proactive and bring this site forward notwithstanding problems outside their control. Kebbell believe a start has to be made somewhere and that granting planning permission for their current application provides the best opportunity available to resolve the problems at St Peters.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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72. 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 relate to the Principle of Development, Housing Land Supply and Effective Use of Land, Locational Sustainability, Landscape and Visual Impacts, Impact on Heritage Assets, Design/Layout, Highway Safety, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Affordable and Accessible/Adapted Housing, Infrastructure and Open Space and Other matters

### The Principle of the Development

73. 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 (CDP) 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. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
74. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but

only if material considerations in a particular case indicate that the plan should not be followed.

75. Policy 1 of the CDP sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. In this respect the wider site, as approved under the 2018 planning permission, forms part of a recognised commitment under Policy 1 of the CDP. However, the principal buildings of the former St Peters School and associated access are now omitted from this scheme.
76. The assessment of this acceptability of this original application was made using saved policies of the Teesdale District Local Plan, which were not considered to be up to date and therefore the planning balance test of paragraph 11 d of the NPPF was engaged. The benefits of redeveloping the former school buildings and associated enhancement of the character of the conservation area were given significant weight in the planning balance and together with other associated benefits of the scheme which were considered to outweigh harm caused by development beyond the main built form of the settlement and the previously developed part of the site and loss of trees.
77. Whilst recognising that a significant part of the site forms part of the housing commitment identified within the CDP and remains extant, delivery of the approved site is reliant upon the access adjacent to the principle standing St Peters School building which is outside of the applicant's ownership. Implementation of this scheme could not be achieved without the agreement of both landowners. This application proposes an alternative access and excludes the main buildings that were proposed to be converted. This new standalone application is therefore required to be assessed against relevant policies now in force (the CDP) and on its own planning merits.
78. In this respect Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
  - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
79. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is not considered to fall either within the built up area of Gainford or well related to the settlement, which has a strong settlement boundary to its western edge. In principle the development would conflict with Policy 6 of the CDP, detailed consideration of the scheme against the relevant above criterion (a-j) of the policy will occur in later sections of the report.
80. As the application site is located outside of the built-up area of Gainford it is considered to be by definition in the countryside. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan (including Policy 6) or where the proposal compromises an exception related to economic development, infrastructure development or the development of existing buildings. The Proposal conflicts with Policy 6 and does not form one of these forms of development and is therefore in conflict with Policy 10 of the CDP. Consideration will be given to the general development principles of development within the countryside set out in Policy 10 of the CDP later in the report.

#### Housing Land Supply and Effective Use of Land

81. With regards housing supply, Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
82. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated
83. As identified above although a large portion of the site is a recognised commitment under Policy 1 of the CDP. However, the total housing need figure does recognise some sites will not come forward for varying reasons, with an average lapse rate of 12% estimated. This lapse factored into the total housing need figure and therefore failure to develop the site is not considered to have a significant impact on the Councils Housing delivery
84. The NPPF at paragraph 84 sets out that the use of previously developed land, and sites that are physically well related to existing settlement should be encourage where

suitable opportunities exist. Furthermore Part 11 (Making effective use of land) of the NPPF seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land (PDL). Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d).

85. Policy 6 of the CDP requires that development proposals make as much use as possible of PDL and reflect priorities for urban regeneration. The policy also sets out that inappropriate backland development should be avoided.
86. In assessing this application against this policy context, the inclusion of the former school building fronting the A67 is considered pivotal to any redevelopment of the site to enhance the character of the conservation area and deliver other environmental benefits. As this area is excluded from the current proposal, it is considered that the current proposal represents an inappropriate form of backland development. In the same regard it fails to take account of its surroundings by excluding the school building and is situated in a detached position, in the countryside outside the main form of the settlement, as such it is not appropriate to the form and setting of the settlement. Whilst some brownfield land would be developed as part of the scheme, this is only estimated to be around 65% with the remaining 35% being previously undeveloped, greenfield land. Without inclusion of the school building as part of the proposals, it is not considered the scheme would make as much use as possible of previously developed land and does not reflect local priorities for urban regeneration. Without the revenues generated from the market housing element of the scheme, it is considered that the conversion works to secure the retention of the building would be unviable. As such the proposal would conflict with CDP Policy 6 and the aims of Parts 6 and 11 of the NPPF

#### Locational Sustainability

87. Policy 6 of the CDP requires that sites have good access by sustainable modes of transport to relevant services and facilities and reflect the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 103 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport. 104.
88. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Gainford is rated as having a settlement score of 23 (ranked 55th out of an identified 230 settlements including clusters). It is considered as one of the middle order settlements within the County based on the services and facilities within the area and is therefore capable of accommodating

appropriate housing growth. Consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic. Gainford benefits from a range of facilities including a primary school, GP surgery, a public house, a village hall, places of worship and local convenience store therefore is relatively well serviced.

89. There is a roadside footpath to the southern side of the A67 linking the site to the village. Gainford Medical Practice lies around 200m to the west of the site, the Post Office, Village Hall and a Fish and Chip Shop lie around 550m away and Gainford Primary School is around 850m away within the centre of the village. All of these are at the lower to mid limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". The walking routes to the amenities and services in the surrounding area are on adopted well-lit highways with no significant topographical restrictions. For similar reasons, cycling is also likely to be a viable alternative to the private motor car to access amenities and services within the village. Whilst recognising Gainford does not possess the same range of facilities as a major settlement or larger town, those it does have, coupled with sustainable transport options, reduces the amount of trip generation between settlements and reliance on the private motor vehicle.
90. Bus Stops are located on the A67 immediately outside the site, offering regular daily services to Barnard Castle, Darlington and other local settlements.
91. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.
92. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF. It is also considered that the development has the potential to maintain or enhance the vitality of the village through increased patronage of its local shops, services and facilities.

## Landscape and Visual Impacts

93. Policy 6 of the CDP sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement. Policy 10 also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Policy 39 of the County Durham Plan states 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. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to

avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site

94. The site is situated in an area of higher landscape value (AHLV). An Addendum to the Landscape and Visual Appraisal has been submitted with the application. Key views of the site are generally localised from the A67 to the north and the track to the east and riverside footpath which crosses the southern part of the site, which although not designated public rights of way are likely to have attracted public rights through long term use. The site comprises relatively flat terrain adjacent to the River Tees, land rises to the north and south away from the river. The banks of the river contain mature woodland which provides effective screening of the site in long distance views from public rights of way to the southern side of the river. Gently sloping topography, trees and existing buildings on intervening land to the north, effectively screen the site in long distance views to the north from North Lane, Eden Lane and Cock Lane and public rights of way.
95. Land adjacent to the site varies in character from the open agricultural fields to the north and west, existing residential properties to the north and west, allotments to the east and the sewage treatment works further to the south. Whilst only the main former school building, together with a derelict single storey block to the south remain on the site, the unmistakable appearance of the site is of the remains of its former use, which in its current state detracts from both the character and the appearance of the landscape and wider area.
96. The main former school building fronting the A67 would remain in its current condition unaffected by the proposed development. This would continue to be an eyesore for pedestrians and vehicle users travelling both east and west along the A67, new residents and pedestrians passing through the proposed development and users of the track to the east of the site. The retained, fire damaged building, viewed against the background of a new housing development would appear extremely incongruous in views of the site from the locality and is likely to be off putting to potential purchasers and tenants of the new dwellings.
97. One of the primary benefits of the previous scheme was the sensitive re-use and environmental improvements provided by the conversion of the former school building. This would no longer be achieved. The proposed housing development would be located around 200m from the existing built up edge of the settlement. Although there are a few detached dwellings clustered around the St Peters site, a modern housing estate within this context would read as a detached urban development in the open countryside. Although relatively self-contained, this would have transformative adverse impact on the character of the surrounding countryside and would be a prominent feature in views from the A67 to the north, the track to the east and riverside footpath which crosses the southern part of the site.
98. The proposal would involve development of a significant area of greenfield land, around 35% of the total proposed developable area. Previously this was justified due to the other benefits of restoring the school building and associated environmental improvements. Whilst the proposal would improve the appearance of the derelict hard standings and single storey block to the rear of the school building, it would not address the fundamental issue of the prominent, derelict school building and land immediately behind this. Development of attractive green space beyond the previously developed envelope would have transformative, impact on the character of this land and the immediate surroundings of the site. Without the significant public

benefits of the previous approval, there is no justification for these adverse impacts within the AHLV and development of attractive green space in the open countryside.

99. The development would result in the loss of around 12 no. individual trees and 7 no. groups of trees/hedging to accommodate the proposed development. Many of these trees are beyond or on the edge of the previously developed envelope. Some of these trees are defined as category B (moderate quality and value and of a condition making a substantial contribution to the site). Their removal would result in adverse impacts on the character of the surroundings. Policy 40 of the CDP seeks to prevent the loss of trees with high landscape value or amenity value unless the benefits of the proposal clearly outweigh the harm, this planning balance exercise is undertaken later in the report. The Tree Officer did recommend redesign of certain elements of the scheme to allow for retention of a greater number of valued trees and to afford more protection to category A trees along the western boundary, however this opportunity has not been progressed by the applicant.
100. The Landscape Officer advises that the proposed area of public open space to the south of the site is very large in comparison to the housing development itself. The application does not provide formal details of how this large area would be managed in the long term, however it has been indicated informally this would be passed to a management company to maintain. The meadow areas and mown paths are likely to require frequent cutting. Given the size of the open space, it is likely that long term management and maintenance would be expensive and impractical over time, potentially leading to the area becoming overgrown and untidy. Whilst the landscaped area is similar to that approved as part of the previous application, this was within a different planning policy context and before the internal Design Review Process was introduced. The applicant has been made aware of the concerns about the size and management of the open space but has not amended the scheme to address these matters.
101. Overall, it is considered that the detached nature of the development in the open countryside 200m beyond the well established settlement edge and loss of a significant number of valued trees, would result in adverse impacts to the character of the rural landscape and AHLV. While this level of impact is similar to that previously proposed the conflict with Policies 6, 10, 26, 29, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF need to be weighed in the planning balance.

#### Impact on Heritage Assets

102. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
103. NPPF parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
104. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

105. The development fails to preserve or enhance the character and appearance of the key aspect of the St Peters site, the former school building and adjacent land, fronting on to the A67. Although not listed and now in poor condition, this building is a prominent feature and important historical building within the conservation area. The detached modern housing development would be at odds with the character of the existing retained building, which would remain in its current derelict state. The proposals do not seek to maximise on opportunities to enhance the character and appearance of the conservation area in this regard.
106. The lack of inclusion of this prominent, derelict part of the site within the scheme, coupled with the visual and landscape impacts identified above, would result in negative impacts to the character and appearance of the conservation area. The Design and Conservation Officer considers the resulting harm would be less than substantial. This level of harm is required to be outweighed by the public benefits of the proposal and this planning balance exercise is undertaken later in the report

#### Design/Layout

107. Part d of Policy 6 of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 10 also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
108. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Policy 29 of the CDP states that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
109. At the final consideration by the internal Design Review Panel the scheme received 3 "reds", 6 "ambers" and 3 "green" scores.
110. The first "red" related to the poor connectivity of the development resulting from the omission of the former school building, which did not respect existing buildings and land uses around the site. Concern was also raised about a footpath connection onto a track to the east of the site which is not fully within the applicants control and may not be accessible to new residents.

111. The second “red” was due to the lack of well defined streets and spaces within the scheme, where buildings were not designed and positioned with landscaping to define and enhance streets and spaces and would not turn corners well.
112. The layout and house types result in a poor sense of arrival into the site. On arrival into the site residents and visitors would be presented with a blank gable to plot 32, other dwellings in prominent locations were not designed to turn corners, presenting blank gables in key locations within the site. This was revised to feature bay windows to the gables of corner turning units and more prominent gables, however these additions are not considered to reflect the character of the surrounding area. The development turns its back on the public open space, with dwellings and rear garden enclosures backing onto it. The development would be car dominated along the central route.
113. The final “red” related to the definition and designation of public and private spaces, whether these would have appropriate access and be well managed and safe to use. Concerns were raised regarding the practicality of the meadow space and how such a large area would be practically maintained by the management company. Although additional information about proposed SuDs has been provided, this was only concentrated in one location to the rear of the site and was not distributed throughout the site as required by policy 35 of the CDP.
114. “Amber” scores related to the exclusion of the former school building and loss of trees within the site, meaning the scheme would not take full advantage of existing landscape features, wildlife habitats, existing buildings and site orientation. The development was considered easy to navigate but access to the public open space was less clear, in particular having regard to the link to the eastern track, part of which is outside the applicants ownership. The streets were designed to encourage low vehicle speeds, however the dominance of parking and orientation of dwellings in relation to the public open space was considered to impact on social spaces. It was noted that some of the affordable units only had limited external space for storage and the size of private gardens to these plots could be increased.
115. “Green” scores were awarded due to the sustainable location of the site where local services would be accessible, good links to public transport and the good mix of house types and tenures proposed. It was noted that following revisions to the layout of visitor parking this was now considered acceptable. Improvements had been made in terms of the distribution of visitor parking and appropriate parking provided for house types. Additionally, house types had been amended to be constructed in traditional materials and incorporating some vernacular features, reflective of the character of the conservation area.
116. In line with Policy 29 of the CDP, as 3 “reds” and 6 “ambers” were still awarded to the revised scheme, it is considered there are significant areas where the design and layout that could be improved and that the development is not to a good standard of design. This policy advises that if any “reds” are scored the application should be refused unless there are significant overriding reasons otherwise. In this case, it is not considered there are any significant reasons that outweigh the low standard of design and the proposal would not accord with CDP Policy 29 in this respect and would fail criterion d of Policy 6 of the CDP. The development is also considered contrary to Part 12 of the NPPF in this respect.

117. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 10 part q requires that new development in the countryside should not be prejudicial to highway safety. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
118. A new vehicle access to the site would be formed on to the A67 to the north of the site between the former school building and a dwelling known as the Manse. This would lead on to an adoptable standard road with various off shoots leading to private drives. Individual dwellings would have off street parking and 9 no. visitor bays would be provided distributed adequately throughout the site, in accordance with the DCC Parking and Accessibility Standards (2019).
119. Following the submission of amended plans improving the parking layout, the Highway Authority raise no objections to the application, subject to the applicant entering into the relevant separate agreements under the Highways Act 1980 for the adoption of the new road and new access onto the public highway and obtaining a Road and Street Works Permit. The new roads through the site would also need to be subject to a 20mph speed limit controlled via a Traffic Regulation Order, which would form part of the Highways Act Agreement.
120. It is noted that some local residents have raised concern about additional traffic from the development using local roads. It is considered that there is adequate capacity on the local highway network to accommodate the additional vehicle movements generated by the proposed development, without resulting in adverse highway safety impacts.
121. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6 part e, 10 part q, 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Residential Amenity

122. Policy 6 part a of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 10 part r required new development in the countryside should not impact adversely upon residential or general amenity. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
123. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. These separation distances would be achieved by the proposals.

124. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. All plots would broadly achieve this, although plot 23 and the affordable dwellings on plots 32-35 would have significantly smaller gardens than others on the site.
125. Plots 16-19, 22 and 32-37 would back on to the derelict land and buildings at St Peters. Whilst boundary treatments would be erected and would provide separation, the adjacent land is untidy and in an unkempt condition. There have been on going issues of breaking in, vandalism and antisocial behaviour to the St Peters building and adjacent land. As such residents of these properties, plots 32-37 which are the affordable units, would be subject to a poor outlook of the derelict site resulting in a low standard of visual amenity, particularly due to the sub-standard garden lengths. They may also be subject to disturbance from on-going problems of breaking in, vandalism and antisocial behaviour on the adjacent derelict land. Given the relationship of these properties to the derelict land and building, it is considered that future occupiers would be subject to unacceptable levels of residential amenity and they are unlikely to be desirable to future purchasers and tenants.
126. A noise assessment has been submitted as part of the application. The Environmental Health Nuisance Team advise this has been carried out to the correct methodology and identifies the nearest noise source as the A67. The Assessment also considers noise and odour from the nearby sewage works.
127. The Assessment advises that a separation distance is proposed between the residential development and the sewage works to mitigate against elevated odour levels during certain climatic conditions. Whilst the Assessment does not consider noise from the sewage works to be significant, the Environmental Health Nuisance Team consider it likely that some low-level noise might be heard from motors/pumps operating on the site, although the separation distance will help mitigate against this low-level noise. It is considered that this issue could be overcome by a condition requiring approval of a scheme of noise mitigation measures and in the event the application were to be approved this could be attached.
128. The Environmental Health Nuisance Team also raise concerns that there is potential for adverse impacts on local amenity during the construction phase. This could also be addressed by a condition requiring approval of a comprehensive construction management plan prior to the commencement of the development, to ensure construction works are managed in such a way so as to avoid significant disturbance to adjacent residents. Additionally conditions to control construction working hours are recommended by the Environmental Health Nuisance Team.
129. Whilst in the main, the development would provide a reasonable level of residential amenity. Occupiers of the plots immediately adjacent to the derelict St Peters building and land would be subject to low levels of amenity resulting from a poor outlook on the dilapidated site and on-going problems of breaking in, vandalism and antisocial behaviour and substandard garden lengths. For this reason, it is considered the development would not provide acceptable levels of amenity to future occupiers, in conflict with Policies 6 part a, 10 part r, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Flooding/Drainage

130. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

131. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
132. A Flood Risk Assessment and Surface Water Drainage Strategy and Calculations have been submitted in support of the application. The Surface Water Drainage Strategy and Calculations document has been revised following advice from the Drainage Section. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and a basin to treat and attenuate surface water runoff.
133. The site is located to the northern side of the River Tees. A small section of the proposed landscaped area along the river bank to the south of the site is located within flood zones 2 and 3, however no development other than soft landscaping is proposed in this area.
134. The Drainage Section broadly considered the SUD's proposals to be acceptable to deal with surface water from the site, however it is advised that permeable paving should be extended to the private access shared drives. Additionally the construction details of the permeable paving, design and construction details for the basin, surface water hydraulic digital files are requested together with a plan indicating all finished floor levels and plot connection drainage indicating cover and invert levels and maintenance Plan for the SUDS features. It is considered that these matters could be agreed by condition in the event the application were to be approved.
135. Policy 35 part d requires that for major developments the management of surface water must be an intrinsic part of the overall development, part f of the policy requires that surface water management measures should supplement green infrastructure networks. As highlighted by the Drainage Officer at the final consideration of the scheme by the Design Review Panel, the SUDs basin is located in one area of the site only. Whilst some permeable paving within the site is proposed, there is no network of SUDs features throughout the site providing a green infrastructure network.
136. Although this is disappointing, as SUDs features are proposed broadly to the satisfaction of the Drainage Section, on balance it is not considered that this omission would result in a significant conflict with Policy 35 of the CDP to the extent that would warrant inclusion of a flooding/drainage refusal reason.
137. The Environment Agency raise no objections to the application subject to a condition for development to be carried out in accordance with submitted flood risk assessment and to ensure no built development takes place within flood zones 2 and 3, which is considered appropriate.

138. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Ecology

139. Policy 10 part I states that new development in the countryside should not give rise to unacceptably harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for. Policies 26, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
140. A Preliminary Ecological Assessment (PEA), both original and updated version, a Bat Transect Survey and Metric Biodiversity Calculation have been submitted as part of the application.
141. The Council's Ecologist has reviewed the submitted information and provided a final response, in which it is advised that the existing semi-improved grassland does not appear to have been included in the metric calculation. Details of the target habitat types/seed mixes, management principles, proposed monitoring intervals and location of 4 no. integrated bat boxes details in the Bat Transect Survey are also requested. Whilst it would have been desirable for these details to have been provided prior to the determination of the application to give the LPA confidence a net gain to biodiversity would be achieved, in the circumstances it is considered they could be agreed by condition if the application were to be approved.
142. Overall and subject to relevant conditions to agree final ecological details, it is considered the scheme is capable of providing a net gain to biodiversity and would accord with Policies 10 part I, 26, 41 and 43 of the CDP and Part 15 of the NPPF.

## Ground Conditions

143. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
144. The Contaminated Land Officer notes that there is the potential for made ground and contamination on the site. Given this and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply. Together with an informative relating to unforeseen contamination, this would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 178 of the NPPF.
145. The site does not lie within the defined high risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

## Affordable and Accessible/Adapted Housing

146. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix.

Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided.

147. As the site falls within a high value area, it would normally be expected that 20% of the properties within the scheme would be delivered as affordable housing, split into 10% in the form of affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership) and 10% as affordable housing for rent. These requirements would translate as 3 no. affordable home ownership units and 4 no. affordable rented units.
148. The scheme proposes 8 no. affordable rented units and 2 no. affordable home ownership units. Whilst these indicated affordable units are not fully compliant with the requirements of the CDP, overall the number of affordable units exceeds required standards. Precise details of affordable housing products could be secured as part of a s106 agreement if the application were to be approved, as such this is not considered to be a reason for refusing the application.
149. Policy 15 of the CDP outlines on sites of 10 or more units, a minimum of 10% of the units to be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
150. Whilst the application was initially submitted prior to the adoption of the County Durham Plan, amended plans submitted after adoption of the Plan do not provide 10% of the units to increase housing options for older people or for 66% of the dwellings to be built to Building Regulations Requirement M4 (2) standard. As such the proposal would not provide an appropriate mix of dwellings, in particular to meet the needs of older and disabled people and is in conflict with Policy 15 of the CDP and Part 5 of the NPPF in this regard. It is considered that this matter could not be addressed by condition.

#### Infrastructure and Open Space

151. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
152. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a

population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

153. The site layout demonstrates that large areas of green space (equating to around 3.4ha) would be provided on site fulfilling and significantly exceeding the open space/natural green space (requirement is for 0.12ha) requirement. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development. Conditions can secure the details of the future management and maintenance arrangements.
154. A contribution of £57,956 would be required towards off-site provision in lieu for those typologies not provided for on site (allotments, parks, sports and recreation grounds, children and youth play space). Having regard to the OSNA, this is considered to be acceptable and in accordance with the Council's standard approach. The contribution could be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
155. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
156. The School Places Manager has advised that the proposed development is likely to generate an additional 12 primary age school pupils and 5 secondary age school pupils and there is sufficient capacity at the local schools to accommodate this need. As such no financial contribution is required.
157. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 54-56 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
158. The Tees Valley Clinical Commissioning Group (TV CCG) has advised that the increase in resident population as a result of this development should not have a material effect on the local GP surgeries and their abilities to provide care. As such no contribution has been sought to make the proposed housing expansion supportable from a health infrastructure perspective.

#### Other issues

159. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as

grades 1, 2 or 3a. Only a relatively small area of open land beyond the previously developed area of the former school site is intended to be developed. This is not currently used for agriculture, as such there would be no conflict with policy 14 of the CDP or Paragraph 170 of the NPPF.

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## **CONCLUSIONS**

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160. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
161. In this instance it is concluded that the proposed development would conflict with Policy 6 as it is outside the built-up area for Gainford and it is not well related to the settlement. Similarly, the proposal is not one of the acceptable forms of development listed in Policy 10 of the CDP and is also in conflict with this policy. Given the omission of the former school building fronting the A67 and associated land, it is considered that the benefits previously attributed to redeveloping this element do not weigh in favour of the proposal and therefore the presumption against development in this location should not be overridden.
162. Furthermore, it is concluded that the omission of the principle building of the former St Peters School from the scheme, results in the formation of inappropriate form of backland development that fails to take into account the opportunity of the site. It is considered that without the cross subsidy of market housing the conversion of the main building is unlikely to occur and does not reflect local priorities for urban regeneration or effective use of previously developed land. As such the proposal would conflict with Policy 6 of the CDP and Parts 11 and 12 of the NPPF.
163. The proposals would result in impacts to the character of the rural landscape and AHLV. The scheme would provide limited public benefits in terms of provision of affordable housing and economic benefits during construction and from new residents supporting local services, however these would not outweigh the identified landscape harm and loss of trees. As such the proposals would conflict with Policies 6, 10, 26, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF.
164. It is concluded that the scheme would result in less than substantial harm to the character and appearance of the conservation area. The above identified benefits are not considered to outweigh the less than substantial harm. As such the proposal is considered to conflict with Policy 44 of the CDP, Parts 12 and 16 of the NPPF.
165. It is concluded that the development does not achieve high quality design, achieving 3 “reds” and 6 “ambers” during the Design Review process when assessed against the Building for Life 12 (BfL 12) Standards. There are no significant reasons or that outweigh the low standard of design and the development would conflict with Policy 29 and Part 12 of the NPPF in this respect
166. Whilst in the main, the development would provide a reasonable level of residential amenity, it is concluded that occupiers of the plots immediately adjacent to the derelict St Peters building and land would be subject to low levels of amenity resulting from a poor outlook on the dilapidated site and on going problems of breaking in, vandalism and antisocial behaviour magnified by the substandard garden spaces. For this reason, it is considered the development would not provide acceptable levels of

amenity to future occupiers, in conflict with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

167. It is also concluded that the scheme does not provide 10% of the units to meet the needs for older people or multi-generational families. Furthermore, based on the submitted information 66% of the dwellings would not be built to Building Regulations Requirement M4 (2) standard. As such the proposal would not provide an appropriate mix of dwellings, in particular to meet the needs of older and disabled people and is in conflict with Policy 15 of the CDP and Part 5 of the NPPF in this regard.
168. The proposals are considered acceptable in terms of Infrastructure and Open Space, Ground Conditions, Drainage, Highway Safety and Locational Sustainability in accordance with Policies 6 (part e), 21, 25, 26, 32, 35, 36 and Parts 8, 9, 12, 14 and 15 of the NPPF in this respect.
169. Overall it is concluded that the development would conflict with the CDP, given the absence of securing the benefits of the retention and redevelopments of the key buildings on site there no material considerations which are considered capable of outweighing this conflict and therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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170. That the application be **REFUSED** for the following reasons:
  1. In the opinion of the Local Planning Authority, the development fails to make effective use of previously developed land resulting in a backland development that does not take into account the opportunities available for improving the character and appearance of the area. Due to the lack of a comprehensive development, any benefits associated with the development are not considered to outweigh the presumption against development in this countryside location, and the associated landscape and heritage harm. The development is therefore considered to conflict with Policies 6, 10, 26, 29, 39, 40 and 44 of the County Durham Plan and Parts 6, 11, 12, 15 and 16 of the NPPF
  2. The development is considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document in conflict with Policy 29 of the County Durham Plan and Part 12 of the NPPF.
  3. In the opinion of the Local Planning Authority future occupiers of plots 16-19, 22 and 32-37 of the development would experience an unacceptable level of residential amenity resulting from the poor outlook onto adjacent dilapidated land and building and from ongoing problems of breaking in, vandalism and antisocial behaviour magnified by sub-standard garden lengths, in conflict with Policies 29 and 31 of the County Durham Plan, the County Durham Plan Residential Amenity Standards Supplementary Planning Document and Parts 12 and 15 of the NPPF.
  4. The development does not make provision for a least of 10% of the units to meet the housing option needs for older people, or demonstrate that at least 66% of the dwellings would be built to Building Regulations Requirement M4 (2) standard to meet the needs for people with disabilities in conflict with Policy 15 of the County Durham Plan and Part 5 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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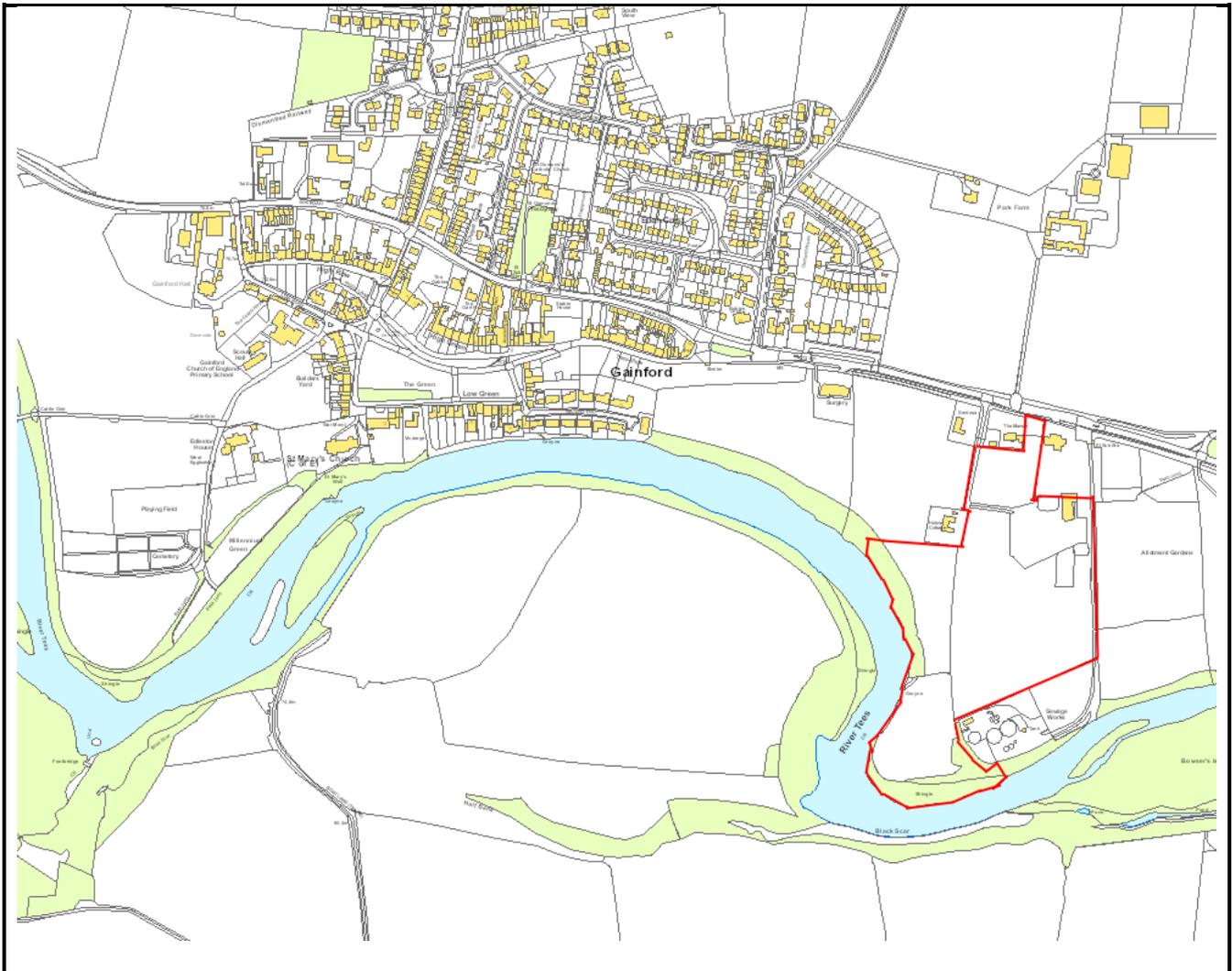
171. In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the 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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>37 no. dwellings with associated access and landscaping (amended engineering plan and drainage scheme 4.2.2021)</p>	
<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>	<p><b>Comments</b></p>	
	<p><b>Date 22 March 2021</b></p>	

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