



Area Planning Committee (North)

Date Thursday 19 May 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 24 March 2022 (Pages 3 - 10)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/21/03388/OUT - Land to the rear of 1 to 8 Wesley Terrace, Castleside Industrial Estate, Castleside (Pages 11 - 28)
Outline consent for Residential development of up to 21 units, including details of access, with all other matters reserved.
 - b) DM/22/00199/FPA - Land north of Fenton Well Lane, Great Lumley (Pages 29 - 44)
Erection of single storey dwelling.
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
11 May 2022

To: **The Members of the Area Planning Committee (North)**

Councillor M McGaun (Chair)
Councillor A Watson (Vice-Chair)

Councillors B Bainbridge, G Binney, J Blakey, L Brown,
J Chaplow, M Currah, K Earley, J Griffiths, D Haney,
C Marshall, E Peeke, J Purvis, J Quinn and S Wilson

Contact: Joanne McCall

Tel: 03000 265895

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 24 March 2022 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors B Bainbridge, G Binney, J Blakey, L Brown, M Currah, K Earley, J Griffiths, D Haney, C Marshall, E Peeke, J Purvis, J Quinn and S Wilson

Also Present: Councillor D Oliver and M Walton

1 Apologies for Absence

Apologies for absence were received from Councillors J Chaplow and A Watson.

2 Substitute Members

There were no substitute members.

3 Minutes

The minutes of the meeting held on 24 February 2022 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

Councillor McGaunn noted in respect of Item 5a. DM/22/00184/OUT - Land to the West of Briardene, Cadger Bank, Lanchester he was a Local Member, however, he had not made any determination as regards the application.

a DM/22/00184/OUT - Land to the West of Briardene, Cadger Bank, Lanchester

The Committee considered a report of the Senior Planning Officer which sought outline planning approval with all matters reserved for a residential

development of up to 46 dwellings with new access from Cadger Bank and associated works (for copy see file of Minutes).

The Senior Planning officer provided a detailed presentation of the application which included aerial photographs and proposed indicative site plan and photographs. Members had visited the site the previous day.

The Senior Planning officer advised the committee that the proposed development fell outside the settlement boundary defined in the Lanchester Neighbourhood Plan 2021, and it was therefore in countryside and without justification contrary to Policies 6, 10 and 11 of the County Durham Plan 2020, Policy LNP1 of the Lanchester Neighbourhood Plan 2021. This reason was omitted from the officer report and the Senior Planning Officer requested that this be included in any motions.

Mr Friesner addressed the Committee on behalf of Lanchester Parish Council. He stated that the proposed development was outside of the Settlement Boundary as defined by the Lanchester Neighbourhood Plan 2021 (Policy LNP1). He advised that there was also considerable planning history to the site including applications that had been refused, withdrawn and an appeal that was dismissed. He noted that the SHLAA assessment had previously considered the site unsuitable for housing development and advised that the Council had a 5.9 year supply of housing land available.

He highlighted the objection made by Historic England on heritage grounds and the impact the development would have on the setting, referencing 'the high heritage value of the Fort and its civilian settlement thereby contributing to its national importance'. He noted that concerns were endorsed by the county archaeologist, spatial policy and landscape officers. He praised the work of friends of Longovicium and explained they were a very active local group who had worked tirelessly over many years to demonstrate its communal and national value.

He noted that there were many areas for concern as listed in the Officer's conclusion and referenced paragraphs 213 to 228 of the report and stated that this led to the recommended refusal at paragraph 229. He explained that the report listed eight reasons for refusal, and which included several policies within the County Durham Plan and policies LNP2, LNP3 and LNP4 of the Lanchester Neighbourhood Plan 2021.

In summary, he hoped the fort along with other facilities would feature within the County's bid for UK City of Culture, Durham 2025 and therefore confirmed that Lanchester Parish Council objected to the development and agreed with the officer's recommendation to refuse the application.

Local Member, Councillor Oliver addressed the committee in objection to the application and advised that many residents shared his concerns.

He described Lanchester Roman Fort as a unique site and believed it could attract more attention in the city of culture bid. He stated that the proposed development would significantly harm the site and that the damage would be irreversible and permanent.

He pointed out that access to the site was poor and raised concerns regarding the capacity of the development and the impact it would have on traffic and the lack of visitor parking. He raised further concerns regarding amenity pollution, water management and added that the development would impact on green space and the rural environment.

He made it clear that he did encourage new housing but disagreed with a development in this area. He confirmed that he supported the officer's recommendation to refuse the application.

The Agent, Mr Ketley addressed the committee and expressed the development would be beneficial for the County. He commented that the site had been previously deemed accessible and questioned why this had changed. He noted that the appeal submitted previously by Barratt Homes was solely refused because the harm to the heritage interest outweighed the public benefit. He accepted that there was a level of harm with the proposed development but believed there were several benefits that outweighed this.

He went on to advise that the development would boost housing supply and had the potential to contribute to new housing which was urgently needed. In addition, he believed that sustainability of the area could diminish in future years if new housing was not supported. He further added that the development would provide 20% affordable housing and Biodiversity net-gain achievements.

In reference to the scheduled monument, he advised that section 106 funding could enhance the understanding of this, and he believed there would be limited environmental harm to the area. He asked that members approved the application.

In response to Mr Ketley, the Senior Planning Officer advised that there had been a significant change since the previous application was submitted by Barratt Homes and clarified that up-to-date development plans had been adopted and were available to officers to help determine applications.

Councillor Brown commented from previous experience that archaeology should remain in the ground as it could be studied further in the future and stated that the area should not be built on.

Councillor Wilson noted that the development was outside the settlement boundary. He raised concerns regarding the impact it would have on the heritage and **moved** the application to be refused in line with the officer's amended recommendation.

Councillor Marshall expressed that the development would have an ecological impact and agreed with the concerns raised regarding housing amenity standards and the lack of visitor parking. He **seconded** the officer's recommendation to refuse the application.

Councillor Quinn asked for clarification on the average house size and price of the properties. Mr Ketley advised that it was difficult to predict an average price for the houses. In terms of size, he advised that the scheme proposed a range of two, three and four bedroom bungalows and dorma bungalows, keeping the scale and height of the development to a minimum.

Councillor Quinn raised concerns regarding the trees that were in the centre of the plan and advised that he would not want these to be affected.

Councillor Earley agreed that the development would have a significant impact on archaeology and supported the officer's recommendation to refuse the application.

Resolved:

That the application be **Refused** as per the officer recommendation with the addition of the following reason for refusal: the proposed development falls outside the settlement boundary defined in the Lanchester Neighbourhood Plan 2021, and is therefore in countryside and without justification contrary to Policies 6, 10 and 11 of the County Durham Plan 2020, Policy LNP1 of the Lanchester Neighbourhood Plan 2021.

b DM/22/00135/VOC - Land East Of Castledene Road Delves Lane

The Committee considered a report of the Senior Planning Officer which sought approval to remove condition 13 (highway improvements) pursuant to APP/X1355/W/20/325169 (our ref. DM/17/02333/OUT) for 105 dwellings (outline - all matters reserved except access).

The Senior Planning officer provided a detailed presentation of the application which included an aerial photograph, site photographs and an indicative plan of the roundabout.

Local member, Councillor Walton addressed the Committee in objection to the application. She asked the Committee to question why Condition 13 was applied in the original application and then subsequently removed.

She referred Members to paragraph 51 of the report where it explained that a survey taken in September 2021 indicated a 40% reduction in traffic flows since the survey taken in 2017. She disagreed with the results of the survey explaining that the nature of the businesses in the local area had not changed their working hours or conditions post-pandemic. Furthermore, she advised that the survey did not include the traffic levels at school drop off/pick up times and explained that it was taken at a time where road works were being carried out resulting in many drivers avoiding the area. She stressed that the results of the survey were not a true reflection of the daily traffic flows and should not be relied upon.

In addition to this, she explained that new housing developments in Consett had been proposed and could result in 750 extra households and that local businesses had created an additional 350 jobs, both of which would impact on the levels of traffic in the area.

She also shared residents' concerns and frustrations of the ability for builders to remove previously approved conditions from their applications.

She respectfully urged members to uphold the previous decision and to refuse the application.

The applicant Steve Burn (Gleeson) addressed the Committee. He advised members that as the number of dwellings for the development had reduced from 120 down to 105 and traffic had also reduced by 40%, condition 13 was no longer required.

Councillor Wilson along with other members believed that the results of the survey were not a true reflection of the current traffic flows for 2022 post-pandemic and suggested the application be deferred until a new surveyor could be carried out.

In response to the points raised, the Principal Highway Development Management Engineer advised that historical survey data for Delves Lane covering the period of 2016-2020 (pre-pandemic) was held on file. He explained to Members the technicalities of the surveys and the modelling that was used. He noted there were queuing delays at the roundabout for some of the p.m. peak hour but confirmed that the roundabout was not over capacity, and that traffic flowed well for most of the day.

He advised that he had recently visited the site and stated that the markings on the roundabout would be refreshed. He noted there were no accident

trends or adverse implications to highway safety and confirmed there were insufficient grounds to refuse the application.

Councillor Brown pointed out that the appeal was successful based on 105 dwellings rather than the original 120, and that improvements to the roundabout were agreed as a condition at that time and asked why this was no longer required.

The Principal Highway Development Management Engineer explained that the Highways development manager who assessed the original transport assessment based upon 120 dwellings felt it was correct to secure the mitigation. This current application submitted a revised transport assessment for 105 dwellings which had been scrutinised and the mitigation was no longer viewed as necessary.

Councillor Earley raised his concerns regarding a new nursing home which was being developed and the increase in traffic levels due to staff and visitors travelling to and from the home. He stated that individual developments may not justify changes to be made to the highway but asked whether developments were considered cumulatively.

Councillor Marshall commented that carrying out a further survey would not give the Committee the material planning grounds needed to refuse the application and therefore accepted the officer's recommendations to approve the application. He expressed his disappointment for the residents of Delves Lane on this matter.

Councillor Quinn shared Councillor Walton's concerns on the ability to remove conditions from applications. He raised further concerns regarding the large area of land behind the application site and hoped the land would not be used to increase the number of dwellings in the future.

Councillor Haney reiterated the suggestion for a new traffic survey to be carried out and felt this was still necessary.

Councillor Peeke asked whether it was possible to monitor the traffic levels following a six-month period and impose the need for improvement works if levels had increased.

In response to the points raised, the Senior Planning Officer confirmed that there were three new developments pending applications which totalled 750 units. She confirmed that they had all submitted individual transport assessments and that the cumulative impact had been considered and that this included improvements to the junction. She explained that the application for 105 units had to be considered on its own merit and that this could not be refused on the grounds of highways. She added that they had received the

detailed reserved matters and confirmed that the development was ready to commence soon and clarified that the applicant had not sought any additional units.

Councillor Brown asked whether the application complied with policy 21c. The Senior Planning Officer confirmed that it did and assured members that the cumulative impact on the area of Consett was important and would be addressed in all future applications.

The Principal Planning Officer advised that traffic levels had fluctuated pre and post pandemic, but that historical data was sufficient for the application and felt a further survey to identify current traffic levels was unnecessary. He went on to explain the voting options available to members.

Councillor Marshall commented that deferring the application was not appropriate due to the risk of non-determination and **moved** the application for approval in line with the officer's recommendation. Councillor Brown **seconded** this.

Councillor Currah confirmed that he would prefer the application to be deferred until a full survey was undertaken and **moved** the application for deferral. Councillor Wilson **seconded** this.

Councillor Brown asked for clarification on the risks if the application was deferred. The Principal Planning Officer explained that deferring the application could result in more data being obtained but advised that this would not necessarily change the officer's recommendation.

The Lawyer (Planning and Highways) asked whether the applicant could appeal against non-determination should the application be deferred. The Senior Planning Officer advised that they could and that this would impose a risk to the Council.

Upon a vote being taken it was

Resolved:

That the applications be **Approved** subject to the conditions as contained in the report and subject to a Section 106 Deed of Variation to secure the planning obligations contained within the Section 106 pursuant to the original planning permission DM/17/02333/OUT.

6 Appeal Update

The Committee received a report of the Principal Planning Officer which provided an update on the appeal against approval of reserved matters

(appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT for a single dwelling at Plot 14 (No.15) The Pastures, Lanchester, Durham, DH7 0BT (Ref: DM/21/02516/RM). (for copy see file of Minutes).

The Principal Planning officer provided a presentation which included a site location plan and a site plan/elevation.

Councillor Brown asked whether any costs were awarded by the Council. The Principal Planning Officer confirmed that no costs had been sought.

In terms of self builds, Councillor Earley asked if there could be a planning brief to indicate to Members what was acceptable.

The Principal Planning Officer confirmed that the type of dwellings deemed acceptable could be defined in the Lanchester Neighbourhood Plan. He advised Members they could ask for certain conditions to be imposed to ensure developments met the needs of the residents affected and that these would need to be considered on a case-by-case basis.

The Senior Planning Officer advised that whilst the appeal was ongoing the applicant submitted a plan which was smaller in scale. He confirmed that both plans were approved by the Inspector and advised that the applicant subsequently chose to proceed with the smaller plan.

Resolved:

That the report be noted.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/03388/OUT
FULL APPLICATION DESCRIPTION:	Outline consent for Residential development of up to 21 units, including details of access, with all other matters reserved
NAME OF APPLICANT:	Mr M Lund, Prospect Estates Ltd
ADDRESS:	Land to the rear of 1 to 8 Wesley Terrace Castleside Industrial Estate Castleside DH8 9QB
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.64ha of sloping unimproved open grassland, formerly included within the area of Castleside Industrial Estate at Moorside, between Consett and Castleside. The land fronts onto the A692 that connects those two settlements, being surrounded on three sides by existing residential development – modern detached and semis, post-war semis, a bungalow and detached and semi-detached Victorian – all of which back onto the site. The remaining boundary is shared with the access road to the industrial and commercial buildings in the adjacent employment area - a designated Public Right of Way runs on this boundary, the path of which is included within the extended site boundary as it runs along the rear of the new housing development of Wesley Lea where it connects with countryside designated as an Area of High Landscape Value. This Area includes a Local Wildlife Site and Ancient Woodland in the immediate vicinity.
2. On-site features are restricted to two areas of unmaintained scrub and small trees on the south and west site boundaries. The land is defined by its topography, sloping steeply from south to north, with a rising embankment defining the boundary with the industrial estate road. The modern housing development of Wesley Lea, on the higher slope to the south is further set above the site by a retaining wall.

The Proposal

3. The application is in 'outline' form, asking consent for the principle of development for a residential scheme of up to 21 units. Only the access into the site is requested

approved in detail at this stage. The applicants have submitted an 'indicative' layout to show that the scheme can accommodate the proposed upper number of units.

4. This application is being considered by committee as a 'major' scheme.

PLANNING HISTORY

5. Most relevant to the determination of this application is DM/16/00986/OUT, 'Outline application for residential development of up to 21 units, including details of site access, submitted in March 2016 and resolved as 'Minded to Approve' by the Planning Committee in May 2016, subject to the applicant entering into a s.106 legal agreement to ensure the delivery of affordable housing on the site, and monies in lieu of on-site play- and open-space provision if not provided for in the detailed layout of any subsequent reserved matters application. The applicant had agreed in principle to these requirements, however ten months later, in March 2017 with no sign of any progress the application was 'Finally Disposed of'. The planning consent was not therefore granted.
6. The layouts of this 2016 application and that presented here are directly comparable.
7. This application was determined against the policies in the Derwentside District Local Plan 1997, which at that time was significantly out of date, affecting the determination of residential schemes in particular for which there were no up-to-date policies, skewing the planning balance in their favour. Policies for residential amenity, open space, and ecology were also significantly weaker in the 1997 Development Plan.

PLANNING POLICY

NATIONAL POLICY

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *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.
10. *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.

11. *NPPF Part 5 – Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
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.* Planning policies and decisions should contribute to and enhance the natural and local environment.
18. *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:

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; air

quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing development needs assessments; housing availability assessment; natural environment; noise; open space, public rights of way 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

20. *Policy 6 Development on Unallocated Sites* supports 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. Policy 15 Addressing Housing Need notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
21. *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.
22. *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.
23. *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.
24. *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.
25. *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.

26. *Policy 27 Utilities, Telecommunications and Other Broadcast Infrastructure* requires all new residential and commercial development to be served by a high-speed broadband connection.
27. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
28. *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.
29. This Policy is supported in detail by the Residential Amenity Standards SPD 2020 that in setting out separation distances for new residential development and specifying minimum garden lengths ensures reasonable expectations of residential amenity and privacy and loss of light / overshadowing.
30. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. *Policy 56 Safeguarding Mineral Resources*. Sets out 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 unless certain exception criteria apply.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *County Highways* require the access point to be moved given the relationships between the A692 and the Industrial Estate unit access. The indicative internal layout shows features such as tight bends, tight alignments, driveways too close to the junction and unacceptable turning head dimensions. Insufficient space to meet parking standards is apparent, likely leading to parking in turning heads, on the footpath or overspilling into the Industrial Estate; lack of compliance with the adopted parking standards is suggested a refusal reason.
39. The site is not affected by the Coal Mining legacy, therefore the *Coal Authority* were not consulted. The site is below the threshold where *Northumbrian Water* will offer comment at present.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* confirm the principle of development is led by assessment against Policy 6 of the County Plan and that the site has been assessed as potentially suitable in the

latest Strategic Housing Land Availability Assessment (SHLAA) and there has been favourable planning history in relatively recent times in support of the principle of housing.

41. Other relevant considerations include: Policy 15 which states that affordable housing will be sought on sites of 10 or more units. In this case 10% of the homes (2 dwellings - affordable home ownership) would be provided for affordable home ownership as the site is in a low value area. Policy 15 also aims to meet the needs of older people and people with disabilities. 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
42. Policy 26 requires residential proposals 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 OSNA. The standards set out in the Open Space Needs Assessment 2018 (OSNA) requires a scheme of 21 dwellings would be expected to generate a population of around 46 people based on 2011 census data of average household size (2.2 persons). A scheme of this size would be required to provide amenity amenity/natural green space: on-site provision should be functional and well-integrated, amounting to around 46 x 15sqm = 690sqm. The OSNA sets out the costings for the remaining typologies and in lieu of provision on the site. Required contributions would amount to £32,913.
43. Policy 29 sets down a raft of design requirements and requires developments to target zero carbon emissions and address climate change. Major residential proposals should achieve reductions in CO2 emissions of 10% below the Dwelling Emissions Rate against the Target Emissions Rate, based on current Building Regulations. It is noted that Building Regulations will be revised shortly to introduce higher reductions, which could impact upon this scheme depending upon timings.
44. Proposals would also need to satisfy the requirements of Building for Life Supplementary Planning Document and Residential Amenity Standards Supplementary Planning Document. In this regard it is noted that the indicative scheme appears cramped and in conflict with the requirements for good design and privacy/amenity standards set down in both policy and supporting documentation.
45. There is no conflict with the requirements of Policy 56 for Minerals safeguarding from the proposals.
46. Conclusion: The proposal site is located within the built-up area of Castleside, and residential development is considered acceptable in principle terms. Nevertheless, Policy 6 sets down a number of key criteria, alongside a range of further policy requirements including those under Policy 29, that would need to be satisfied in order to accord with the development plan.
47. *Affordable Housing Officers* request the following points should be incorporated within the design, layout and supply of affordable housing in the development: Affordable Housing should be provided in the form of 2 and 3 bed homes to meet the needs of larger families in the area. Given the small number of affordable housing to be provided on the site the affordable offer be provided as an intermediate offer such as a Discount Market Sale or a Rent to Buy. Given that there will be so few units the affordable could be delivered as a single cluster of housing. They recommend an affordable housing statement be submitted to establish what affordable housing is to be provided and agree the location and products that will be used. The housing development team are happy to liaise with the developer to agree this should planning permission be granted.

48. *Design Officers* have forwarded the summary and conclusions of the Design Review panel. Policy 29 n. of the County Plan requires all major new residential development to secure as many greens as possible in this process, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons. There are six questions for an 'outline' scheme.
49. For Qu.1., Principle: Is the site considered to be acceptable in principle for the use or proposed use? it was concluded the site is an acceptable location for development. For Qu.2., Connections: Would the development be suitably connected to its surroundings? It was concluded the development suitably connects to the surroundings. For Qu.3., Facilities and Services: Does the site have good access to existing facilities and services? This was agreed to be the case. For Qu.4., Public Transport: Does site have good access to existing public transport links to help reduce car dependency? it was accepted that there are good public transport links. These four questions were attributed 'greens'.
50. For Qu.5., Character: Does the scheme create a place with locally inspired or otherwise distinctive character? It was concluded the submitted plan is highways-led and does not relate to the surrounding built form. There layout does not include any form of open space. The scheme does not create a place with locally inspired or otherwise distinctive design. For Qu.6., Creating well defined streets and spaces: Does the submitted information suggest appropriate consideration has been given to the creation of well-defined streets and spaces which are usable for all? For this topic it was concluded that appropriate consideration has not been given to the creation of well-defined streets and spaces. These two questions were attributed 'reds'.
51. *Drainage Officers* note the absence of a surface water management strategy which should consider attenuation and treatment.
52. *Ecology Officers* note that there is no assessment of biodiversity net gain (BNG) within the documents, the applicant must deliver BNG as per the NPPF and Local Plan. The LPA requires the use of the DEFRA metric to assist in determining net gains, the applicant should be aware that the metric deals only with habitats and notable species will need to be taken into account outside of the metric. Ideally net gains should be delivered on site, if this is not possible then the applicant will need to provide an offsite location to deliver any required works. All habitats delivering for net gains will need to be managed for 30 years and a management and monitoring plan (provided in draft format at application stage) will be secured via an appropriate legal agreement. Given the current layout, the development will result in a net loss of biodiversity.
53. *Education Officers* confirm that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space to accommodate the pupils generated by the development for primary education, however there would be a shortfall for secondary education, requiring mitigation through a payment of £49,662 (as 3 x pupils @ £16,554) to facilitate provision of additional teaching provision.
54. *Environmental Health (Contamination)* Officers note the proposed change of use of the site to a 'more sensitive receptor' and suggest a standard suite of phased conditions to investigate, mitigate and validate any contaminated land and gas protection issues that may be present on the site to a standard appropriate for residential use.
55. *Environmental Health (Nuisance and Air Quality)* Officers note that without appropriate conditions the development could lead to unacceptable effects on residential amenity

from noise, dust, odour and light impacts. The methodology of some of the submitted reports is questioned, however it is advised planners should secure control of noise and dust during the development phase through appropriate conditions, as detailed in their response, should they be minded to granting permission. These include safeguards for new residents for traffic noise from the A692, noise and light from the Industrial Estate and the implications of building works for existing residents.

56. *Public Rights of Way Officers* note the presence of a footpath running alongside the site's northern boundary: A section of the footpath would be affected by the proposed estate access road crossing over it, where it will require dropped curves or defined pedestrian crossing points either side of the estate road. The footpath appears to remain unaffected by the proposal where it leaves the adopted highway running in a southerly direction then in a south-easterly direction. Any proposed new fencing or hedging alongside must not detrimentally affect this path or diminish its width.

EXTERNAL CONSULTEE RESPONSES:

57. The *County Durham NHS Care Commissioning Group (CCG)* note that local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. They advise that they would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers. In calculating developer contributions, we use the Premises Maxima guidance which is available publicly: This assumes a population growth rate of 2.3 people per new dwelling, and they link this increase to the nearest practice to the development, for ease of calculation. The NHS Property Service build cost rate of £3,000 per square metre is used to calculate the total financial requirement. The sum required to mitigate the likely impacts of the proposed development is £10,143.

PUBLIC RESPONSES:

58. A consultation exercise consisting of 30 direct letters, a site notice and a press notice was undertaken, in response to which five objections and one representation were received. Healeyfield parish Council have also sent comments.
59. Objectors contend there is no lack of existing housing available in the area, which they consider undermines the applicant's stated benefits for housing supply. They consider 'ultra-modern' homes will not fit in with the stone-built dwellings of Howards Buildings and 'destroy' the character of the immediate area.
60. There is concern for effects on residential amenity including loss of light and loss of privacy into houses and gardens as a result of the proposed density, Views into the site would be of two storey buildings with little space in between. Proposed design and materials are not in keeping with the area. There is no open play space provided, leading children towards the adjacent busy road.
61. Traffic issues are a concern, including the increased volume of traffic, the pollution this will generate, interaction with Industrial Estate heavy traffic, the potential for generating overspill parking, emergency service access and manoeuvring and the implications of winter weather.
62. The presence of natural springs on the land has implications for drainage and wildlife.
63. The proposals will devalue neighbouring dwellings. There will be disruption from the build process. The financial motivations of the applicants are questioned.

64. The single representation asks what will happen to the trees to the rear of their dwelling, their having value for wildlife and as a privacy screen.
65. One correspondent considers Consett's Road network, schools, hospitals, health centres recreation areas and most importantly, employment offer has not kept up with the demands created by extensive new housing, creating a commuter settlement. Bungalows to serve older members of the existing community are suggested.
66. Healeyfield Parish Council ask for the provision of salt bins and the appropriate surfacing of the public footpath in the event of an approval.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R06NF8GDIJD00>

PLANNING CONSIDERATIONS AND ASSESSMENT

67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, the quantum of development proposed and then the quality of development proposed, proportionate to the assessment of an 'outline' proposal, led by the submitted 'indicative' layout for issues including highway safety and access, layout and design, residential amenity, ecology, flooding and drainage, and public open space.

Principle of the Development

The Development Plan

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The 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.
69. 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
70. The lead Policy in this instance is Policy 6, Development on unallocated sites. The site on the one hand is (subject to conditions) compatible with adjacent land uses and in a sustainable location, well connected for a range of services and facilities, having been identified in the SHLAA as suitable for residential development, reflecting the 'minded to approve' of the 2016 scheme described in the History section of this report. Policy 6 however does act as a headline for more detailed policies requiring mitigation of ecology an open space loss, appropriateness of scale, ensuring highway safety and

minimising impacts on climate change including flooding, that the proposals struggle against. These will be discussed below.

Highways Safety and Access

71. The County Highways Officer has set out detailed requirements for the site access to be moved and set out to meet safety standards. In principle this is a technical undertaking that can be achieved – however the repositioning of the access has the potential to affect the internal layout of the site and therefore the number of units that could be achieved.
72. There is further criticism of the road alignment, and parking arrangement on road and in curtilage, which in the view of the consultee is likely to affect the number of units the site can accommodate.
73. Officers consider that the site has a good locational sustainability, well located to surrounding services and facilities, a short walk to bus stops, and with the addition of a new convenience store currently under construction nearby.
74. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
75. In failing to show that an internal site layout that meets adoptable and adopted highway and parking standards can be achieved the proposal is concluded contrary to Policy 21 of the County Plan and paragraph 111 of the Framework. The Highway Officer suggests the required changes are likely to affect the number of units the site can accommodate.

Layout and Design

76. 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 130 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.
77. At 'outline' stage these issues are capable of resolution at the 'reserved matters' stage through the imposition of appropriate conditions. The locale has a wide range of house-types, appearances and styles that would justify a range of approaches for development on the site.
78. The application must show that the proposed 21 units can be achieved on site in a manner that meets the requirements of the current Development Plan. Concerns that the requirements of the highways layout and parking have already been raised.

79. The layout will also be led by the size and shape of the site, the topography, the technical requirements of the highways layout and the required inclusion of open space, ecology and drainage features. These issues all have spatial requirements which the 'indicative' layout submitted makes no provision for.

Open Space

80. Whilst the submitted Planning Statement and Open Space Assessment submitted indicate that open space could – subject to negotiation - be included, none is evident within the layout. Spatial Policy comments indicate that whilst there are typologies of open space (allotments, recreation parks, play space, etc.) that would be required mitigated off-site through the applicant providing payment through a legal agreement (as allowed by Policy 25 of the Plan), the OSNA requires 690sqm of amenity/natural open space on a development of this size.
81. This open space is required to serve the immediate needs of the family housing proposed. The applicant's Open Space Assessment also states that the existing space is not accessible to the public as the land is in private ownership. Publicly available satellite imagery on Google Earth shows the land as open with tracks, desire lines and informal rear garden access apparent for continuous period of at least 20 years. An existing informal amenity is therefore displaced.
82. The absence of any apparent provision on-site undermines the sustainability credentials of the proposal and there is no reason why open space cannot achieve multiple aims of also providing for ecology and drainage requirements described below.

Residential Amenity

83. That the scheme lacks sufficient detail to demonstrate it will meet the needs of its occupants is further illustrated through assessment of the requirements of Policies 29 and 31 informed by the residential amenity SPD. Combined, these Development Plan Policies require developments to provide high standards of residential amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and ensure amenity for new residents.
84. Guidance within the SPD sets out separation distances of 21m between facing principal elevations and 13m between principal and two storey gable elevations. Additional separation is required where there are changes in levels involved. The submitted 'indicative' scheme shows substandard gardens on at least 4 plots and substandard separation distances on at least 5 plots including where changes in level are involved evidenced by the retaining structures in the higher gardens of the modern housing development at Wesley Lea. The density of development and the relationship to existing homes is a concern raised by local residents. The scheme as presented for 21 dwellings appears in conflict with the requirements to ensure residential amenity as set out in Policies 29, 31 and the SPD.
85. To accommodate the required separation distances and garden length requirements of these Policies changes to the layout are required that, if based on the 'indicative' scheme would likely affect the number of units the site can accommodate.

Ecology

86. Policies 26, 35, 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.
87. The applicant has submitted a Preliminary Ecology Assessment for the site which sets out recommendations for building operations to respect the potential for newts and reptiles on the site but does not lead into Biodiversity Net Gain (BNG) – a standard expectation on all development sites, major and minor, a requirement of both the Development Plan and the Framework. The County Ecologist confirms that in the first instance this should be provided on site, with an appropriate 30-year Management Plan, with the fall-back position of the applicant identifying an off-site location to deliver the required gains
88. In the absence of this information the scheme cannot be approved.
89. This is another aspect that requires provision on-site (or a specified alternative) with implications for the quantum of development proposed – again undermining the applicant's aspiration for 21 units.

Drainage

90. Policy 35 of the Plan requires the management of water must be an intrinsic part of the overall development for major developments. Surface water run-off must be managed at source wherever possible and disposed of in accordance with a Sustainable Drainage hierarchy. No information has been provided to the applicant's approach, usually expected by way of an Outline Drainage Strategy Statement, preliminary layout indicating how SuDS are to be used across the site, outline hydraulic calculations (proposed outfall location, final discharge rate and approximation of on-site storage) and ground investigation report (infiltration testing). Drainage issues are an identified concern of neighbours. The proposal is contrary to the requirements of Policy 35 of the Plan.
91. Again, this is aspect that affects the layout of the site and the amount of development proposed – undermining the applicant's aspiration for 21 units.
92. Policy 36 deals with requirements for foul water disposal. In an established urban area, there has been no indication that this aspect of the proposals presents an issue. In the event of an approval the developer will have to agree discharges into the public sewer direct with Northumbrian Water.

Affordable Housing

93. Requirements for Affordable Housing in the form of 2 and 3 bed houses to meet the needs of larger families in the area can be addressed by the scheme. The Affordable Housing Team's recommendation that an affordable housing statement be submitted to establish what affordable housing is to be provided and agree the location and products that will be used, with the housing development team are happy to liaise with the developer to agree this should planning permission be granted, can be ensured should the application be approved.

Planning Obligations

94. Paragraph 57 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. A s.106 Agreement which would secure the following is considered to meet the required tests: the identified contributions for Education, Healthcare, Affordable Housing and part of the Open Space mitigations.

Other Considerations

95. Policy 29 of the CDP sets out that major new build residential development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted. A condition can be imposed to secure this in the event of an approval.
96. Requirements for compliance with National Space Standards can be achieved at the 'reserved matters' stage.
97. At this stage the development does not appear to affect the footpath that runs alongside and into the edge of the site. This can be ensured at the 'reserved matters' stage.
98. The site lies within a Mineral Safeguarding Area. 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 such areas unless specific criteria apply. Given the context of the site in relation to the existing settlement, the Spatial Policy team have confirmed there is no conflict with this Policy.
99. The implications of development for Contaminated Land, Air Quality and Nuisance can all be addressed by the imposition of appropriate conditions.
100. The proposal has generated some public interest, with 6 representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues of loss of view and devaluation of property are not material to the planning assessment.

Public Sector Equalities Duty

101. Officers have considered whether there are implications in the proposals including the loss of the existing land, the nature of the proposed development and the development period that would affect rights under the Human Rights conventions and the Equalities Act 2010 over and above those implicit in the planning assessment, concluding that in this instance there are none.

CONCLUSION

102. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
103. In summary, the application site is a sustainable location for new development and capable of accommodating a residential development.
104. It is Officers firm view that the scheme of 21 units based on the layout considered favourably against the old Development Plan does not show Policy compliance with current expectations for residential development, nor any reasonable likelihood that amended plans could achieve the requested number of units as the multiple issues in this case have both individual and a cumulative effect on spatial requirements within the site that the proposals in their current form do not accommodate.
105. These conclusions were reflected in the outcome of the required Design Review, with the two 'reds' attributed to the scheme in this process constituting a refusal reason in its own right.

RECOMMENDATION

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

1. The submitted scheme does not provide surety that the development can provide a safe and satisfactory highways layout and meet the adopted parking standards of Durham County Council for a development of 21 residential dwellings, contrary to Policy 21 of the Durham County Plan 2020 and part 9 of the Framework.
2. The submitted scheme fails to show that the requirements of Policies 29e., 31 of the Durham County Plan 2020 and the complimentary Residential Amenity standards SPD 2020 can be achieved in a development of 21 residential dwellings, compromising reasonable expectations of residential privacy and amenity for existing and new residents.
3. No apparent provision for open space has been made within the scheme contrary to the approach required by the OSNA, and as embedded in the requirements for residents' amenity set out in Policies 26, 29e. and 31 of the Durham County Plan 2020.
4. The proposal fails to demonstrate a biodiversity net gain within the site or specify alternate provision contrary to the requirements of Policy 41 of the Durham County Plan 2020 and part 15 of the Framework.
5. The development does not consider the effect on flood risk nor show evidence of or justification for a lack of sustainable on-site drainage features contrary to the requirements of Policy 35 of the Durham County Plan 2020.
6. The application fails the requirements of Policy 29n. of the Durham County Plan 2020, that all development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents, having been attributed 2 'reds' in the six Outline BfL questions by the Council's Design Review panel.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF, notwithstanding the negative outcome of the assessment.

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

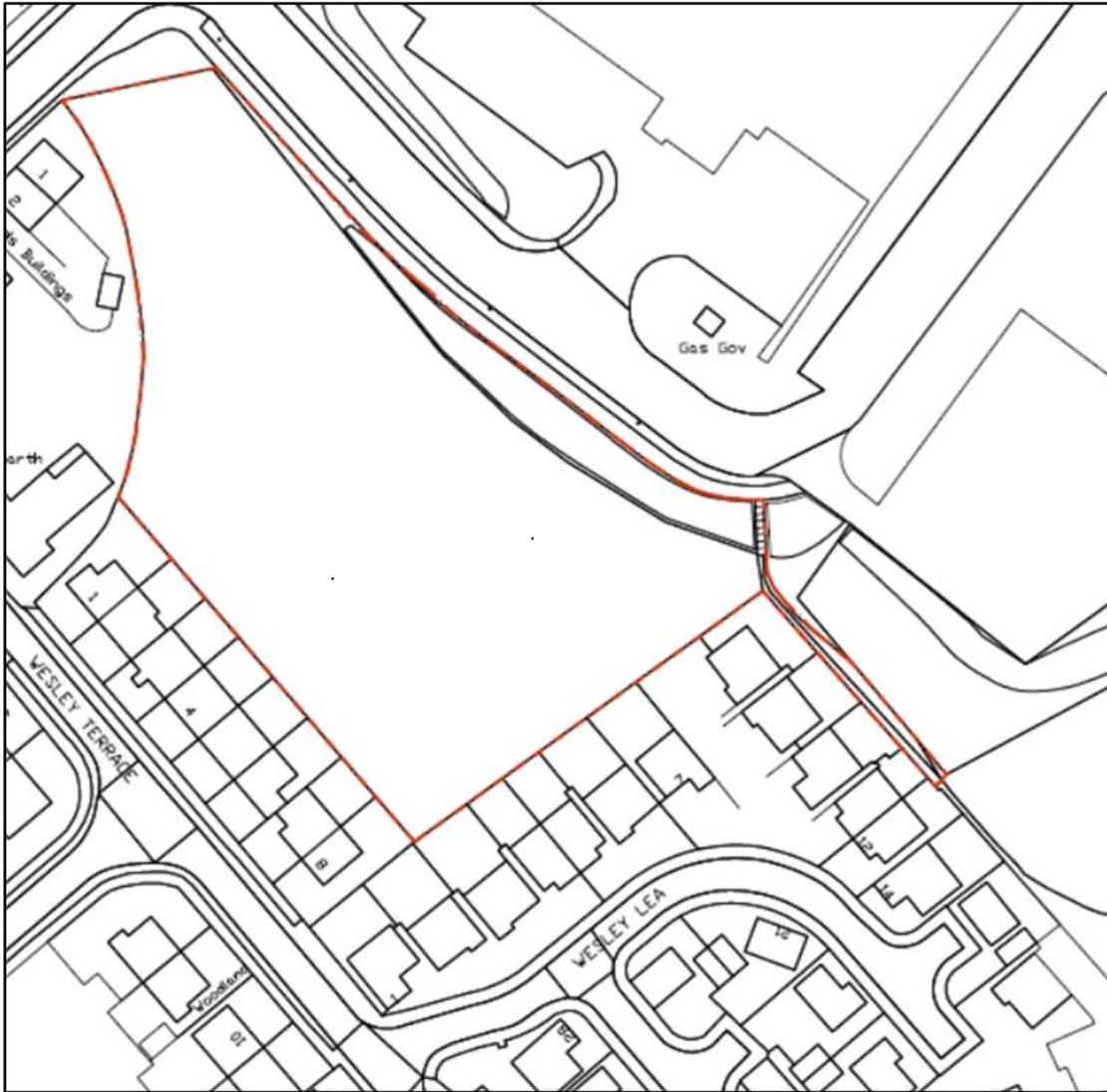
County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2020)

County Durham Building for Life SPD (2019)

Equalities Act 2010



Planning Services

DM/21/03388/OUT
 Land to the rear of 1 to 8 Wesley Terrace
 Castleside Industrial Estate
 Castleside
 DH8 9QB

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/00199/FPA
FULL APPLICATION DESCRIPTION:	Erection of single storey dwelling
NAME OF APPLICANT:	Mr Alan Bell
ADDRESS:	Land north of Fenton Well Lane Great Lumley
ELECTORAL DIVISION:	Lumley
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site sits in countryside designated as Green Belt beyond the western edge of Great Lumley, a medium sized village that includes a school, convenience store, clubs and a ranges of services and facilities proportionate to its size. The site is in a raised, prominent position with expansive views across the valley of the River Wear to Chester-le-Street, the East Coast Mainline railway and Durham County Cricket Club.
2. The land is a formed plinth, 'cut' into the rising ground to the east, and 'formed' above the lower ground to the west. The west edge of the plinth has a line of low-level shrubs and small trees. The southern boundary of the site is formed of a stone wall, with an entrance gateway at its eastern end. The wall separates the site from Fenton Well Lane, an unadopted access to Lumley Grange, 500m to the east. The adopted highway begins at the edge of the village, 50m to the east, where two extended semi-detached dwellings front the lane. To the rear of these dwellings is another, Half Moon Cottage. Facing them across Fenton Well Lane is a short cul-de-sac of three large modern detached two-storey dwellings, with an outstanding consent for another.
3. The status of the land between the site and the nearest dwellings is unclear. Part is close mown on satellite images and Council owned, appearing to have informal public access, part is fenced off as unimproved grassland without obvious use. Land to the north, west and south is in agricultural use.
4. The site may be considered as 'brownfield', having been historically occupied by a schoolhouse. Hardstanding and sparse ground level remains of former structures are

partially visible on site, the actual structures having been long since cleared and last visible on the 1969 OS Map – over 50 years ago.

The Proposal

5. The application proposes a single storey detached dwelling of bespoke design on slightly raised site levels. 'U' shaped in form, with a shallow green roof, the floorplans show three bedrooms (one an optional study), an open plan kitchen / lounge and a study, a bathroom and utility room. The roof provides for solar and thermal panels. Elevational materials are red brick, brown render and wooden cladding, with dark grey fenestration. Car parking is open, with the existing access point from Fenton Well Lane used.
6. This application is being considered by Committee at the request of Councillor Philip Heaviside, to consider the impact on the Green Belt of a brownfield site.

PLANNING HISTORY

7. DM/17/03144/FPA Erection of a dwelling - North Planning Committee – Refused

2/06/00208/OUT Residential development comprising 1 no timber residential chalet – Withdrawn when recommended Refused to Committee.

2/03/00558/OUT Single storey dwelling & garage – Committee Refused – Refused – Appeal dismissed.

2/75/462/CM Outline application for house – Refused.

2/75/00441/CM Erection of dwelling house (outline) – Refused.

Following appropriate procedure, this site was considered for removal from the Green Belt to facilitate erection of a dwelling during the preparation of the County Durham Plan, however following examination the Inspector was not persuaded that there were exceptional circumstances to justify the removal of the site from the Green Belt and the proposal rejected.

PLANNING POLICY

NATIONAL POLICY

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *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.

10. *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.
11. *NPPF Part 5 - Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
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 13 – Protecting Green Belt land.* The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
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.* Planning policies and decisions should contribute to and enhance the natural and local environment, protecting biodiversity and recognising the intrinsic character and beauty of the countryside. There is further advice for ground conditions and pollution.

<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; 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; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

20. *Policy 10 Development in the Countryside.* 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 one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
21. *Policy 20 Green Belt.* Development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.
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 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.

24. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
25. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that 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.
26. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
27. *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.
28. *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.
29. *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.
30. *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.

31. *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.
32. *Policy 56 Safeguarding Mineral Resources*. Sets out 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 unless certain exception criteria apply.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Highways* initially wrote with a number of concerns with the access to the site beyond the extent of the adopted public highway, the lack of a defined footway and lighting along with requirements for visibility spays of specific dimensions into the site. They noted that as informative advice, every new property must be provided with an electric vehicle charging point.
34. *The Coal Authority* confirm the site falls within the defined Development High Risk Area and raise no objection to the proposed development subject to the imposition of suggested conditions to secure proper investigation of the issues posed by the coal mining legacy, mitigation where identifies as required and verification when complete. The potential for mine gas and the need for mitigation where present is raised. Where sustainable drainage is proposed, the developer should seek their own to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

INTERNAL CONSULTEE RESPONSES:

35. *Spatial Policy Officers* write: This site lies to the west of Great Lumley settlement, on land designated Green Belt within the development plan. The land is also identified as an Area of Higher Landscape Value. The site is physically separate from the built-up area of Great Lumley, as a field lies between the site and existing dwellings, and it would be regarded as being in the open countryside in planning terms.
36. Residential development proposals have been previously considered on this land and refused. In December 2017 a proposal for a single dwelling was refused on the basis that it was contrary to Green Belt policy set down in the (former) Chester-le-Street Local Plan and national policy as contained in the National Planning Policy Framework (2012 version). The proposal was deemed to have a greater impact than the existing open land, and it would have therefore been harmful and unacceptable in planning terms. The officer report also noted that whilst each site is assessed on its own merits, the approval of this site would create a dangerous precedent on a significant level in relation to the Green Belt matter.

37. Historical mapping shows that the land was previously built upon and used as a school/schoolhouse. The site is clear in the 1970s maps and it is therefore presumed that the building was demolished sometime in the 1960s.
38. Looking at national guidance, set down in the most recent version of the National Planning Policy Framework (2021), previously developed (brownfield) land is defined as: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*
39. This site has been identified as Green Belt land since the adoption of the former Chester-le-Street Local Plan (2003); this plan established the detailed extent of green belt land for the former district area. Chester-le-Street District Council sought to designate an ‘irretrievable’ minimum of Green Belt land which fulfilled the criteria contained in planning policy guidance at the time to ensure it was kept permanently open.
40. The adoption of the County Durham Plan (October 2021) led to the replacement of the former district local plans and the Green Belt designation is now set down in the CDP. This site was considered for removal from the Green Belt during the preparation of the CDP, however following examination the Inspector was not persuaded that there were exceptional circumstances to justify the removal of the site from the Green Belt.
41. the Inspectors Report notes:
- *The site of the former Lumley Boys School is in the countryside to the west of Great Lumley. It is physically separate from the village and whilst development may offer the opportunity to remove the last remnants of the former school, these are not visually prominent. On the other hand, new buildings on the site, even if well designed and landscaped, would represent a significant encroachment into the countryside and reduce the openness of the area.*
42. Policy 20 of the CDP defines the physical extent of the Green Belt; it states that development proposals within the Green Belt will be determined in accordance with national planning policy, to ensure consistency and an up-to-date approach for decision making. The Framework sets down that in general terms new development in the Green Belt ought to be resisted, as the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
43. Paragraphs 147 to 150 set down the key requirements for considering development proposals of this nature. Given that the site sits physically separate from Great Lumley, the development would fall to be considered against criteria ‘g’ of Paragraph 149. This states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Applicable exceptions to this include:
44. (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

45. It is a matter of planning judgement as to what would constitute such an impact on openness. This would normally be based upon area and volume, however it may also be affected by topography and location, as well as other factors depending upon the details of the case. Given that the site is currently undeveloped, any development would be likely to have a greater impact on openness than existing (in relation to the requirements of the first sub-criteria under criteria 'g' of Paragraph 149). In terms of the second sub-criteria, while it is acknowledged that the proposed design seeks to reduce potential impacts through scale and materials (including green roofing), as well as falling below the level of 'substantial harm' to openness, the scheme would also be required to address affordable housing needs, which is not proposed in this case.
46. These fundamental policy restrictions serve to establish the primary policy issues in relation to this proposal. It is nevertheless the case that this proposal would gain no support if it were assessed against Policy 10, as this seeks to control new dwellings in the countryside unless an exceptional case is evidenced. Policy 39 sets down requirements for proposals in Areas of Higher Landscape Value, which reinforces concerns around impacts on the landscape. This policy states that development 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.
47. Summary comments: This site lies outside of Great Lumley settlement, on land designated Green Belt and identified as an Area of Higher Landscape Value. The principle of development would fall to be considered against Policy 20 (which confers to criteria 'g' on the NPPF), alongside Policies 10 and 39 of the CDP.
48. *Ecology Officers confirm that 'Given the scale of the development and the nature of the habitats on site the landscaping plans as proposed will be sufficient to meet the requirements for biodiversity net gains'.*
49. *Public Rights of Way Officers note the vehicle access to the development site is in part via public footpath no. 22 Great Lumley Parish. The affected section of footpath 22 is also recorded as adopted highway, serving a number of other properties. No concerns are raised over the proposed access arrangements to the development site.*
50. *Environmental Health (Contamination) note that the report submitted is a number of years old however the information is still relevant: there is the risk of land contamination on the site and therefore a requirement for a phase 2 investigation. Given this and due to the fact that this development constitutes a change of use to a more sensitive receptor, suggested contaminated land conditions should apply to ensure physical investigation of the site, mitigation, where identified as required with where necessary include gas protection measures and thereafter verification of the methods and operations undertaken. Informatives are suggested to cover the eventuality for unforeseen contamination being encountered.*

PUBLIC RESPONSES:

51. Seven consultation letters were sent out, with the application advertised by site notice and in the press because it affects a Public Right of Way and represents a departure from the Development Plan. Four public representations have been received – two in support, two objecting.
52. Opposed to the development, an objector seeks to repeat objections from previous applications in 2003, 2006 and 2017, with, to the forefront – the property was not 'brownfield' when acquired by the current owner – the land had been used to graze

horses and the objector took riding lessons on the site as a child. The foundations now apparent were below ground level and have been uncovered by the applicant – the former property having been removed more than half a century ago. More importantly if the site is allowed for development in the Green Belt further may follow. The village has grown significantly further encroachment into the green belt is detrimental to the sustainability of the village community and the surrounding countryside. This correspondent, and the immediate neighbour of the site has not seen or heard of any anti-social behaviour emanating from the site.

53. A second close neighbour objects to the principle of a Green Belt development with climate change and the ecological crisis a national topic requiring a regional and local level of response. With sizable new-build projects recently developed and planned the 'counterbalancing importance of the formal Greenbelt by Great Lumley cannot be clearer'. The correspondent is not aware of any significant anti-social behaviour associated with the land in their residence.
54. In support occupants of the nearest dwelling write the scheme will deter anti-social behaviour and the potential for youths and vehicles to converge in the area adjacent to the land which can be intimidating and leads to fast food debris, empty alcohol cans and broken bottles and sometimes evidence of drug paraphernalia.
55. A resident of the new development south of Fenton Well Lane at the edge of the village writes that the site has been vacant for some time and attracts 'some' anti-social behaviour, with cars driving down the lane and youths gathering near or in the application site. This brings a danger of fires, with two extinguished in recent months. The proposals seeks to assimilate into the landscape.

APPLICANT'S STATEMENT:

56. Introduction: Site is accepted by DCC as a brownfield site in a sustainable location. Last developed use was as a boys school that was on site for over 100 years. Site has been in our ownership for over 20 years and due to constraining policy it has remained derelict all these years.
57. 2/ Reuse of land: This will have a wide benefit for all in the neighbourhood and will rid site of its ASB uses whilst having a net gain for the environment.
58. 3/ Other relevant matters: The site does not perform well at all with the five purposes of being in the greenbelt (GB) and was the reasoning DCC planning policy put site forward for the GB deletion in the Durham Plan. The application complies with section 149 (g) of the NPPF and limited infilling on a previously developed site (infilling can be on edge of settlements, this was accepted with application DM/21/01278/FPA Tiana Lane Rainton Gate). DCC planning policy team have already accepted "WOULD NOT BE VISUALLY INTRUSIVE NOR WOULD IT IMPACT ON OPENNESS". Therefore application is fully compliant with national policy.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R698YMGDKD600>

PLANNING CONSIDERATIONS AND ASSESSMENT

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance

with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development in the Green Belt, highway safety and access, layout and design, landscape and visual impact.

Principle of the Development

The Development Plan

60. 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.

Green Belt

61. The principal Policy for determination of this application is Policy 20 that effectively sets the detailed requirements against Part 13 of the Framework. This part of the Framework is unusually precise, giving specific and definite advice for the establishment and protection of Green Belts, and the control of development within them. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Five purposes of Green Belt are set out including: to assist in safeguarding the countryside from encroachment.
62. Changes to Green Belt boundaries should only be allowed in exceptional circumstances and through the Local Plan process. This specific site was very recently considered by this process, with the Planning Inspector concluding that '*new buildings on the site, even if well designed and landscaped, would represent a significant encroachment into the countryside and reduce the openness of the area*'. The applicant's Planning Statement seeks to revisit the arguments offered in this procedure, asking for a different conclusion. It would be wholly inappropriate for Officers to overrule the conclusions of the Inspector.
63. The Framework offers advice for proposals affecting the Green Belt: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The exceptions are set out at length, with the applicant relying on two criteria: For e. Limited infilling in villages, the site is outwith the developed envelope of the village, separated by open, undeveloped land. This criteria does not apply – it relates to open sites within small settlements that a Green Belt washes over. For criteria g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development. Notwithstanding one objector's ascertainment that the very basic foundations apparent on the land have been exposed to contrive an apparently brownfield site, there are no built structures visible on the site, so any new development will have a greater impact on openness than the existing foundations. The material weight that the development would accrue from

'brownfield' status is positive but not significant. The development is therefore wholly contrary to the advice in paragraph 149g. of the Framework and therefore Policy 20 of the Durham County Plan.

64. Design and highways elements of the proposal will be considered below. The applicant offers a further specific 'very special circumstance' in support of his proposals – an apparent anti-social behaviour issue. All four respondents to the application refer to this issue, all four are immediate neighbours, yet there is disagreement as to whether this is anything other than a low-key issue, and indeed whether it relates to the actual site or the conjunction of lanes on the approach to it. Where proposal in the Green Belt, material weight has only been attributed where overwhelming formally evidenced information has been submitted – a scheme at Beamish presented an extensive dossier of Police reports of damage and vandalism extending over a number of years as one component of a series of tangible high level benefits including employment generation. The Case Officer has visited the site over a number of years, for the current and previous proposals and the applicant has provided photographs of small evidence of litter and low-level fly tipping in support of the current application. With contradictory views offered by immediate neighbours and suggestion that the apparent issue relates as much to 'gatherings' in Fenton Well Lane, rather than on the site, this issue falls far below the level where it can be afforded significant weight.

Development in the Countryside

65. Separate from the existing settlement, the proposals must be considered against the requirements of Policy 10 – Development in the Countryside and Policy 39 – Landscape, the implications in the latter Policy in the context of the site's inclusion within a designated Area of High Landscape Value (AHLV). Policy 10 is summarised above and restricts development in the countryside to agricultural or employment related operations and alteration of existing buildings. The proposals fail assessment against this Policy, an issue that is not addressed within the application.
66. Policy 39 – Landscape, requires new proposals to not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Development affecting Areas of Higher Landscape Value defined on Map H, 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. Part 15 of the Framework requires planning decisions to protect and enhance valued landscapes.
67. The proposed building is considered to have a neutral effect in the landscape. The application describes the land as 'unsightly'. This is not the case as where apparent from the public domain – whether nearby footpaths, the mown public land around the village art feature at the edge of the village, or in longer views from the west across the AHLV, the site is only apparent by it's formed nature and the flora that has grown up around its boundaries.
68. The presented benefits of the proposal are discussed elsewhere in this report but are not concluded significant in the planning balance. Ultimately in proposing inappropriate development in a designated landscape area, and notwithstanding the design assessment below, the proposals represent 'harm' and fail the requirements of Policies 10 and 39.

Highways Safety and Access

69. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Whilst there were some issues identified by County Highways Officers that related mainly to the separation of the site from the adopted highway, some 50m from the site entrance and the quality of surface on Fenton Well Lane, the applicant has provided sufficient detail in response to indicate that this issue could be resolved through the imposition of appropriate conditions.

Layout, Design and Residential Amenity

70. 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 valued landscapes. The proposed design is an appropriate modern approach to minimising the impact of a new dwelling in the countryside. This however does not mitigate the principle of the openness of the Green Belt. The weight that could be offered to the 'eco' nature of the proposal is reduced as this becomes a standard requirement of all development.
71. The proposal provides appropriate levels of residential privacy and amenity for its residents and poses no issues for neighbours. It is thus compliant with Policy 31 of the Plan.

Ecology

72. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. The County Ecologist opines that requirements for net biodiversity gain can be achieved within the site. This is presented as one of the very special circumstances offered in justification of the development. It is actually a basic requirement of all forms of built development without which the scheme would be refused and should be weighted accordingly.

Ground conditions

73. Implications from the Coal Mining legacy and contamination from the former uses of the site can be addressed through the imposition of standard conditions. Foul and surface water proposals are referred to in principle in the submitted forms, the size of the application being such that the relevant consultees would not offer comment.

Public Right of Way

74. Footpaths Officers have confirmed the proposals offer no conflict with the surrounding footpath network.

Other Considerations

Precedent and Consistency

75. The application is presented as of benefit to the Council, to the environment and to neighbours, concluding that it is a requirement of precedent for planning decisions to be consistent. Two decisions are presented – both approved by Committee against Officers recommendation. The first at Rainton gate was a Green Belt site immediately adjacent a rear garden – it noted that the current application is physically separate from the nearest garden. The second was a proposal for holiday accommodation associated with a commercial operation – and established large garden centre.
76. Officers concur that consistency in decision making and Policy application is essential. To do otherwise significantly undermines the Policies in the Development Plan. Whilst it is right to look at the wider context of planning decisions, members will be aware that each proposal and each site must be considered on its own merits. Whilst the Development Plan and its policies are new, and the Framework is often revised, Green Belt policy in its intent and detailed application has been consistent for some years. Therefore, the refusal of the three applications referred to in the history section, the withdrawal of another under threat of refusal and the conclusions of the Local Plan Inspector represent a clear consistency of approach that it would be inappropriate to deviate from.

Public Sector Equalities Duty

77. Officers have considered whether there are implications in the proposals including the loss of the existing land, the nature of the proposed development and the development period that would affect rights under the Human Rights conventions and the Equalities Act 2010 over and above those implicit in the planning assessment, concluding that in this instance there are none.

CONCLUSION

78. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
79. The proposal represents inappropriate development in the Green Belt. A series of what the applicant considers to be 'very special circumstances' are presented in deference to this however, under examination these cannot be attributed significant weight. Claims of anti-social behaviour are unevidenced and called into question in some responses from neighbouring residents. They may not relate in whole to the site. The brownfield land nature of the site brings positive but not significant weight. The potentially sustainable nature of a 'eco' build is again positive but as an increasingly standard requirement, not significant. Net biodiversity gain is a standard requirement. The principle of development proposed has been recently examined in the Local Plan Enquiry process and this must carry significant weight in any assessment. The proposals fall far short of presenting a defensible set of 'very special circumstances'.
80. There are Policy issues beyond the principle involved in the Green Belt assessment in terms of development in the countryside and in a designated landscape that the proposals fail to address.

RECOMMENDATION

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

1. The application proposes inappropriate development, harmful to the Green Belt and is not supported by very special circumstances that would individually or cumulatively outweigh the harm, contrary to the requirements of Policy 20 of the Durham County Plan 2020 and Part 13 of the Framework.
2. The application represents new development in the countryside without appropriate justification or evidence of need contrary to the requirements of Policy 10 of the Durham County Plan 2020.
3. Proposed in a designated Area of High Landscape Value as defined on map H in the Development Plan, the development does not conserve or enhance a valued landscape in the countryside and does not set out quantified or evidenced benefits to a degree that would outweigh the harm, contrary to Policy 39 of the Durham County Plan 2020 and part 15 of the Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF, notwithstanding the negative conclusion.

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

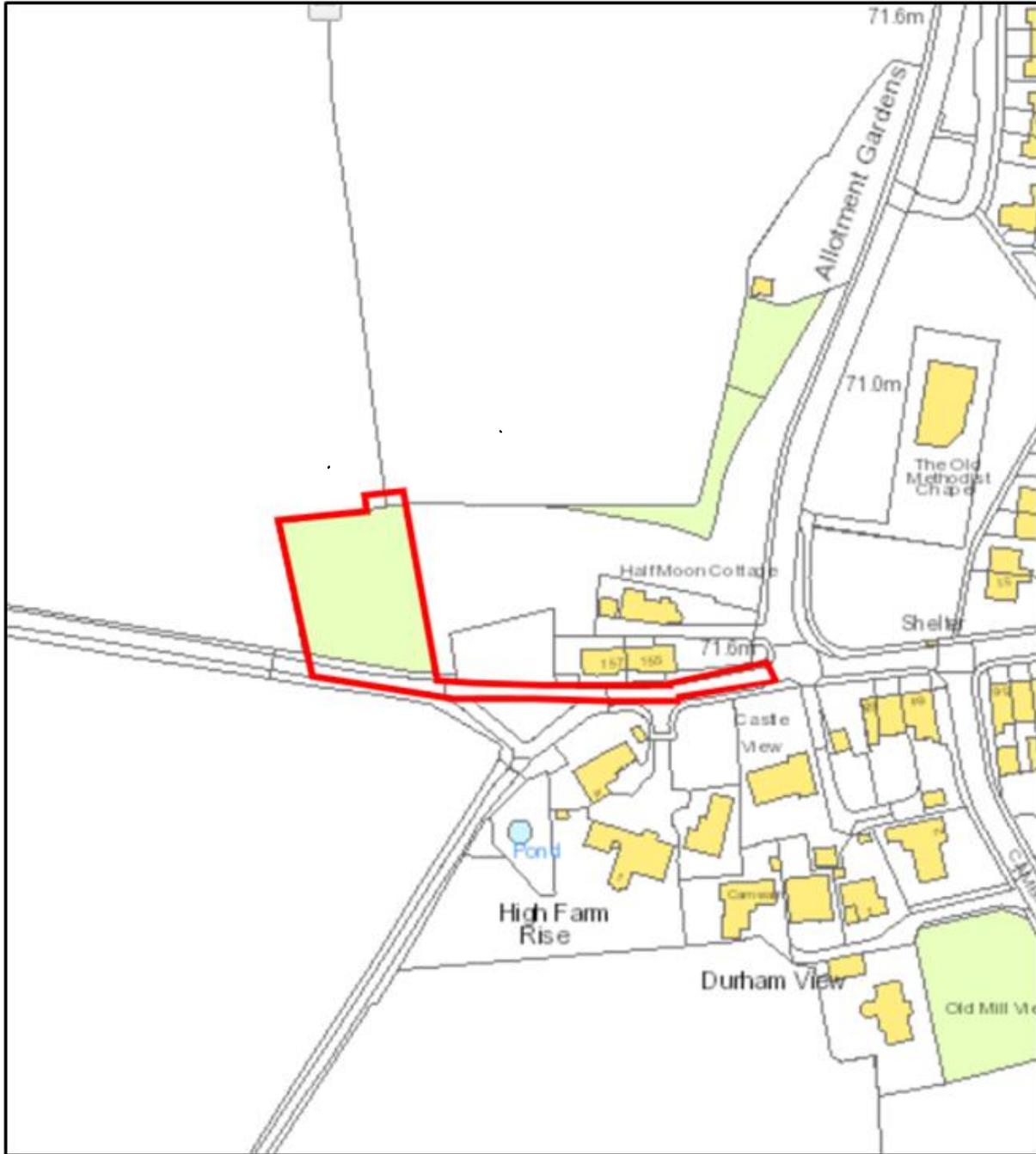
County Durham Plan

Residential Amenity Standards SPD (2020)

County Durham Building for Life SPD (2019)

County Durham Landscape Strategy (2008)

Equalities Act 2010



<p>Planning Services</p>	<p>DM/22/00199/FPA Erection of single storey dwelling</p>	
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