



Area Planning Committee (South and West)

Date Thursday 22 September 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 23 June 2022 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/22/01877/FPA - Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale, DL12 0TN (Pages 9 - 42)
Erection of extension to newly constructed building
 - b) DM/22/01643/FPA - Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale, DL12 0TN (Pages 43 - 60)
Insertion of louvre into the southern elevation of building approved under DM/20/03644/FPA
 - c) DM/22/01695/FPA - Stockley View, Stockley Lane, Oakenshaw, Crook, DL15 0TL (Pages 61 - 82)
Resubmission of DM/22/00885/FPA for the conversion of lambing shed to single dwelling and engineering works to create lower ground floor, new access road, install ground source heat pumps and klargester package sewage treatment plant, create 3 ponds and construct new footpath (part retrospective)

- d) DM/22/01634/OUT - Land south of Eve Lane, Spennymoor, Co Durham (Pages 83 - 106)

Residential development of up to 20no. dwellings (Outline – all matters reserved except access)

6. Appeal Update
7. 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
13 September 2022

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

Councillor G Richardson (Chair)
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown, J Cairns, N Jones, L Maddison, M McKeon, D Oliver, S Quinn, I Roberts, M Stead and S Zair

Contact: Scott Hutchinson

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 23 June 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors E Adam, V Andrews, J Atkinson, D Oliver, S Quinn, I Roberts, M Stead, S Zair and P Jopling (substitute for D Brown)

1 Apologies

Apologies for absence were received from Councillors A Savory, D Brown, J Cairns and L Maddison.

2 Substitute Members

Councillor P Jopling was present as substitute for Councillor D Brown.

3 Declarations of Interest

Councillor Quinn declared an interest in item no. 5c) as local member, she was in support of the application and would speak on the item and leave the Council Chamber for the debate and deliberations.

Councillor Jopling declared an interest in item no. 5b) and confirmed that she would speak on the item as local Member and withdraw from the Council Chamber during the debate and deliberations.

4 Minutes

The minutes of the meeting held on 12 May 2022 were agreed as a correct record and signed by the Chair.

The Chair changed the order of business and item 5c) was considered first.

5 DM/22/00717/FPA - Land West of Locomotion the NRM at Shildon, Dale Road Industrial Estate, Shildon

The Committee considered a report of the Senior Planning Officer which provided details of an application for the construction of new collection building for Locomotion with associated access and landscaping at Land West of Locomotion the NRM at Shildon, Dale Road Industrial Estate, Shildon (for copy see file of minutes).

M O'Sullivan, Senior Planning Officer, provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site.

Ms S Price confirmed that the building was opened in 2004 and built on the foundation of the Timothy Hackworth Museum, it had gone from strength to strength, welcoming 200,000 visitors a year prior to COVID-19. The new building would enable the Museum to house the largest collection in the world and give the opportunity to draw visitors and use modern methods of learning and engagement.

The NRM would host the national centenary of the flying Scotsman and 200th anniversary of Stockton and Darlington railway and this proposal supported County Durham Tourism, generated income in the local area and there would be new opportunities for volunteering.

The new building would sit on the unattractive former Ashfield site, which acted as a magnet for antisocial behaviour. A landscape design team had been appointed which had ensured that all of the statutory consultees deemed the proposal to be acceptable.

Finally Ms Price confirmed that if the Committee endorsed the recommendation, work would be able to commence in November 2022 and would be completed in October 2023.

Councillor Quinn, Local Member endorsed the comments from Ms Price and confirmed that the site was a blight on the landscape which had suffered with antisocial behaviour problems and unauthorised encampments over the previous nine years.

Councillor Quinn was looking forward to celebrations for 200th anniversary and confirmed that the 150th anniversary had put Shildon on the map. She was very keen for the proposals to go ahead and gave full support for the Museum.

The Chair confirmed that various consultants were in attendance to answer questions from Members.

Councillor Atkinson confirmed that this was a thorough application which included benefits from jobs, tourism and income, reduce antisocial behaviour and remove the blight on the landscape, with no objections. He knew the place well, supported the recommendation and moved approval for the reasons outlined in the report.

Councillor Jopling had visited the Museum and it was a benefit to the local area, whilst the proposal would enhance the County Durham Tourism offer and she was pleased to second the motion to approve.

Resolved

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

6 DM/21/00855/FPA - Land To The North Of Peases West Sports Centre, Crook

The Committee considered a report of the Senior Planning Officer which provided details of an application for Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space at Land To The North Of Peases West Sports Centre, Crook (for copy see file of minutes).

G Spurgeon, Senior Planning Officer, provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site.

Councillor Jopling queried the ownership status of the land and the Senior Planning Officer advised that the Leisure Centre owned the majority, but some of the area at the east of the site was owned by the Council.

Councillor Jopling confirmed that although in her opinion, the Council should support affordable housing, the site was situated on a bus route that provided a two hourly service. She did not think that the location was suitable and there would be a significant loss of open space.

Noting the lack of attendance from the applicant and members of the public, Councillor Atkinson confirmed that it would be difficult to go against the Officers' recommendation and moved the proposal to refuse the application for the reasons outlined in the report.

Councillor Adam seconded the motion, commenting on the lack of interest shown by the applicant and the lack of detail included in the application. There were no details attached to the proposal and part of the land was

owned by the Council with no indication as to whether the land was prepared for sale.

The Senior Planning Officer advised that all findings had been communicated to the applicant, however no further information had been received and the applicant requested the application be determined based on the information submitted.

Councillor Quinn confirmed that applications for affordable housing were supported where able and she liked the design of the houses, however she was unable to support schemes with little information and wondered whether there would be drainage issues in the area.

Councillor Jones advised that there were elements that could be improved such as the lack of bus service however he agreed that Members could not go against the recommendation.

Resolved

That the application be REFUSED for the reasons outlined in the report.

7 DM/21/00891/OUT - Peases West Sports Centre, Crook

Councillor Jopling left the meeting for the deliberation of this item and did not return.

The Committee considered a report of the Senior Planning Officer which provided details of an application for Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space at Land to the North of Peases West Sports Centre, Crook (for copy see file of minutes).

G Spurgeon, Senior Planning Officer, provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site.

Councillor Atkinson noted that considerable detail which had been received on the need for further provision but queried the conclusion regarding the requirement for a swimming facility.

The Senior Planning Officer confirmed that Sport England had consulted Swim England and identified the issue regarding demand in Crook however the recommendation for refusal did not include any reference to the pool although information regarding viability would be needed in order for the Planning Authority to support the application.

Due to the lack of information from the applicant Councillor Atkinson moved refusal of the proposal for the reasons outlined in the report.

Councillor Adam confirmed that he would not reject the application on the basis of the swimming facility however the reasons to reject the 3G pitch were clear. With regards to swimming and leisure facilities, it was important to encourage exercise however swimming pools were expensive to run. Due to the insufficient detail in relation to sustainability he was minded to refuse, but he was reluctant as there was a real benefit in terms of the health and well being of the community.

C Cuskin, Senior Lawyer Regulatory and Enforcement, advised that the Committee could not lawfully approve the application as there was insufficient information regarding ecology and whether the development would have an impact on protected species.

Councillor Quinn queried whether the application could be split as there were some elements that could be supported if the areas of concern were removed.

The Senior Lawyer Regulatory & Enforcement advised that the Committee could not significantly alter the application however it could not be lawfully approved due to the lack of ecology

Councillor Andrews could not see any benefit in replacing grass with artificial grass and could not support the application.

Councillor Stead noted the comprehensive assessment done by Sport England and the effect of creating additional pitches on businesses that were already operating. The applicant had not demonstrated a need for this proposal he could not find any reasons to support it.

Councillor Zair advised that Crook once had a swimming pool which had been demolished around fifteen years ago. Despite local people being desperate for another, this application had come forward without any detailed analysis.

The Chair agreed that the swimming pool had been a great loss to the area.

Resolution

That the application be REFUSED for the reasons outlined in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01877/FPA
Full Application Description:	Erection of extension to newly constructed building
Name of Applicant:	Mr Stephen Shaw
Address:	Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale, DL12 0TN
Electoral Division:	Barnard Castle East
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located on the southern fringe of the Village of Middleton in Teesdale to the south west of the County and relates to an industrial premises operated by Technimark who principally manufacture plastic injection moulded components for the medical, pharmaceutical, and healthcare industry. The site currently employs around 118 no. staff and operates across various shift patterns 24 hours per day. The existing Technimark site is considered to fall under a B2 general industrial use.
2. The site has recently been expanded for the provision of a new warehouse, creation of offices, formation of car park and other works under application DM/20/03644/FPA south eastern part of the site, which this proposal was intended to be used as a car parking area. This area has been laid in hardstanding but at the time of writing has not been used for parking with no spaces having been demarcated.
3. Access to the site is taken from the adopted highway Gas Lane, at the north-eastern corner of the site that leads to a central courtyard providing parking and

delivery access. There are pockets of undeveloped land and landscaping areas scattered around the site.

4. Immediately to the north of the site lies a paddock containing an agricultural building with allotments/gardens behind. Planning permission DM/18/00120/FPA and DM/20/00039/VOC granted consent for erection of a new build dwelling in the paddock to the north of the Technimark site, which is currently under construction. Beyond the paddock, St Aidans Chapel, a mid-20th century building, adjoins the B6282 on a triangular shaped site between Dale View and Gas Lane. To the east lies the highway Gas Lane, where a range of existing civic buildings including the fire station, village hall and primary and nursery school of late 20th century modern appearance are located. A cricket club, sewerage works, other industrial premises and a dwelling known as the Gables, lie further south along Gas Lane beyond the extent of the adopted highway. To the south of the site an undeveloped agricultural field leading to the River Tees is located along with footpath no. 49 (Middleton in Teesdale).
5. Land to the west of the site is of residential character, comprising a series of historic terraced dwellings at Newtown and River Terrace. Dwellings continue northwards along Masterman Place and Dale View to meet the B6282.
6. The Technimark premises lie within the Middleton in Teesdale Conservation Area and within a designated Area of Higher Landscape Value (AHLV).

The Proposal

7. The application seeks planning permission for the erection of an extension to the industrial building approved under application DM/20/03644/FPA. The extension would measure 15m wide by 51m long with an internal floor area of 760m², featuring a dual pitched roof with a ridge height of 7.8m (compared to 8m for the building it would adjoin) and an eaves height of 6.3m (matching the building it would adjoin). The extension would be in line with the southern elevation of the adjoining building and located 20.4m away from the eastern boundary of the site.
8. The extension would be finished externally in green profiled sheet cladding with brown flashings to match the recently built industrial building. The extension would be accessed internally through the existing building via roller shutter doors to its east side, with emergency doors located within its north and south elevations. The extension is proposed to be used for manufacturing which is in line with the B2 (general industrial) use of the site.
9. A 1.5m wide by 1m tall louvre is proposed to be installed within the south elevation of the recently built industrial building, with internal ductwork to connect to the extension. The louvre would be inserted to the right hand side of the louvre proposed under application DM/22/01643/FPA and would be finished in an olive green colour to match the existing cladding of the building.
10. The car parking arrangements approved under application DM/20/03644/FPA comprised 38 spaces in an 'L' shape to the south east corner of the site. The

extension necessitates a reconfigured arrangement whereby two rows comprising a total of 34 spaces would be sited. An additional 2 spaces would be created to the car parking area to the north east of the site. Overall, the site would feature 81 car parking spaces, reduced from 83 shown on the approved site plan from application DM/20/03644/FPA.

11. There is a distance of approximately 3.8m between the south west corner of the recently erected industrial building and the southern boundary of the site where a stone wall has been constructed, increasing to 4.8m from the south east corner of the proposed extension. A 1m planting strip comprising a hedgerow and trees is proposed along the southern boundary on the inside of the wall to help partially screen the existing and proposed buildings. A 2m high embankment has been created along the southern part of the western site boundary to which additional trees are proposed to be planted to help screen the existing recently constructed industrial building.
12. The application is being reported to planning committee at the request of the Middleton – in – Teesdale and Newbiggin Parish Council on the grounds of noise and loss of parking.

PLANNING HISTORY

13. Application DM/22/01643/FPA for the insertion of a louvre into the south elevation of the newly constructed industrial building is currently pending consideration.
14. EN/22/00331 Commencement of use of new warehouse without installation of parking bays or cycle storage etc in breach of conditions 10 and 11 of DM/20/03644/FPA. Planning application for extension to warehouse submitted.
15. EN/22/00014 Failure to comply with conditions 12 (construction management plan) and 13 (construction hours) of permission DM/20/03644/FPA construction hours. No breach
16. Planning permission DM/20/03644/FPA was granted in March 2021 for the erection of a new 1890sqm warehouse to the south of an existing manufacturing building to the western boundary of the site. The building has been constructed but at the time of writing is not yet operational. The building measures 57.3m in length and 37.2m in width. The building has two pitched roofs, one measuring 8m to ridge height and 6.3m to eaves height and the other on the lower western element, at a reduced height of 6.6m to ridge height and 5.3m to eaves. The taller building is to be used for warehousing with the other building closer to the western boundary of the site to be used for manufacturing. The building is set in by 13.8m from the western site boundary and a distance of 3.9m-4.9m from the southern boundary.
17. The small brick industrial units on the northern side of the site were first established in the early 1980's and extended to the south and west sides during the late 1980's and 1990's. Planning permission 6/2005/0143/DM granted

consent for a further extension to form the manufacturing building to the south west side of the site. Planning permission 6/2014/0012/DM granted consent for the storage building situated to the south east corner of the site.

PLANNING POLICY

National Policy

18. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
19. 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.
20. 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.
21. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
28. 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:

29. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light

pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

30. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
31. *Policy 2 (Employment Land)* supports development of and extensions to B1, B2 and B8 developments within specified employment allocations, but also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken for employment uses, and that the use would not compromise the main use of the site for B class uses and would comply with retail Policy 9 where main town centre uses are being proposed.
32. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
33. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
34. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

35. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
36. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
37. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB))* sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
40. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape

Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

41. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
42. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.
43. *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.
44. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

Neighbourhood Plan:

45. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

46. *Middleton in Teesdale and Newbiggin Parish Council* – Do not specifically object to the application but consider that greater scrutiny of the benefits in terms of employment and wider economic benefits against the harm in terms of noise and loss of parking spaces warrants greater scrutiny.
47. *Highways Authority* – Consider the expected increase in the number of staff and vehicles at the site to be minimal and therefore offer no objections.

Non-Statutory Responses:

48. *Environmental Health Nuisance* – Advise that the submitted Noise and Odour Assessments demonstrates that the application complies with the thresholds stated within the TANS, indicating that the development will not lead to an adverse impact, and recommends conditions to secure adherence to these.
49. *Environmental Health Air Quality* – Confirm no further assessment is required.
50. *Environmental Health Contaminated Land* – Confirm there is no requirement for a contaminated land condition.
51. *Design and Conservation* – Reiterate their comments from application DM/20/03644/FPA where the proposal was considered to cause less than substantial harm to the significance of the conservation area and now advises that this proposal would add to the scale and mass of the approved building and compound the already identified harm. This harm should be weighed against the public benefits of the proposal which it is suggested should be in excess of those previously identified.
52. *Landscaping Section* – Reiterate their comments from application DM/20/03644/FPA where the proposal was considered to cause some harm to the special qualities of the AONB and important views, but that impacts could be reduced by additional mitigation planting. Now indicate their satisfaction with the landscape details provided, advising that the earth mound to the south west of the site would be suitable to establish seeding and pit planted trees provided it is stone picked, graded, and cultivated to a fine tilth prior to seeding and planting.
53. *Ecology* – Advise that the submitted Biodiversity Net Gain report and associated metric show that a net gain in biodiversity is possible on site, provided a number of habitats are created as detailed within the report. Recommends that the areas of retained and new grassland are shown on the landscaping plan and proposed seed mixes specified.

External Consultee Responses:

54. *AONB Partnership* – No response received.

Public Responses:

55. The application has been publicised by way of 2 no. site notices, a press advertisement and individual neighbour notification letters. 7 no. letters of objection have been received in response, with a summary of the key areas of concern as follows:

Residential Amenity

- The new building would generate additional noise pollution,
- Forklifts trucks with reverse beepers are audible from 6:30am to 10pm,
- An earth bank has been created along the southern boundary, with the landscape plan indicating trees to be planted on top of this which would reduce the effectiveness of their screening, reduce natural light, and affect their establishment and the integrity of the boundary wall potentially resulting in property damage,
- Three recent planning applications within the last 18 months have seen noise levels increase from 26 DbBA to 30DbBA,
- The 6 cooling fans are the most significant noise source not the River Tees as the Noise Report suggests, noise from cooling fans has increased now that they are enclosed by the new building,
- Figure 11 in the noise report shows the new buildings to be lower than the original buildings on the site which is not the case and could have led to predicted noise levels being underestimated.

Highway Safety and Parking

- A reduction in the number of car parking spaces is required to accommodate the new building but additional staff would be required,
- The new building would generate additional traffic including lorries and questions whether this is safe given the proximity to schools,
- Articulated lorries reduce visibility and obstruct access for residents along Gas Lane.

Other Matters

- The proposed materials are not sympathetic to the local area,
- The proposals would cause harm to the conservation area,
- The proposal would allow the production of additional non-recyclable products,
- Considers that Technimark are trying to exploit the planning system by submitting incremental extensions,
- Questions how many new workers have been hired in connection with the new buildings,
- Questions when the site begun operating for 24 hours a day and if neighbours were consulted.

Applicants Statement:

56. Technimark manufactures plastic injection moulded components for the medical, pharmaceutical and healthcare industry. The company has expanded at its Middleton-in-Teesdale site on three occasions within the last 20 years, most recently in 2021, with the creation of additional warehousing and manufacturing units and, of course, jobs. It is a significant local employer. When the previous application was submitted in December 2020, Technimark employed 90 people at its Middleton-in-Teesdale site, split between production and production support. Presently, 118 people are employed at the site and this is forecasted to increase to 145 people over the next few years.
57. Such has been the recent success of the business that on nearing completion of the warehouse building, that was approved on 31st March 2021, Technimark found itself in urgent need of additional manufacturing floorspace and intends using the western half of the building originally proposed for warehousing manufacturing purposes (as referred to by planning application ref: DM/22/01643/FPA, which is also being reported to Committee today). Growth of the business continues and Technimark foresee that additional floorspace will be required in the near future and in readiness for that had plans prepared that are the subject of this planning application. Providing a production unit on the western side of the site with the warehouse building in the centre and the future production unit on the eastern side makes for a more efficient layout both in terms of production and warehousing and for deliveries to and exports from the warehouse.
58. Expanding production at the site along with the production/manufacturing building will enable Technimark to cement its operations at Middleton-in-Teesdale, for the business to continue to grow and to increase employment. By the end of 2022, Technimark expect turnover to have increased by 65% compared with turnover at the end of 2020 and if this growth continues then it is anticipated to grow by a further 33% over the next 5 years. Of course, success at Technimark brings benefits to local businesses such as Middleton Forge and J Raine & Son Ltd, (both based in Middleton-in-Teesdale) who supply and fabricate various hardware items building materials; Teesdale Hotel who supply buffet food for meetings; McFarlane Family Butchers who prepare the Christmas hampers provided to staff; and the local Co-op and Samuel James Deli Café that are frequented by staff.
59. The proposed building is considered acceptable; it represents sustainable development; and it will not cause any significant adverse impacts upon the surrounding area in terms of visual amenity, noise, odour or traffic. Moreover, the development will not have any impact on the setting of any nearby listed buildings and although the proposed development may have a slight adverse impact upon the character and appearance of the Middleton-in-Teesdale Conservation Area, such impact would amount to 'less than substantial harm' and would be outweighed by the public benefits resultant from the development. Furthermore, the proposed landscaping to the site will provide significant

biodiversity net gain equating to 24% with regards to habitat and almost 1000% with regards to on-site hedgerows.

PLANNING CONSIDERATION AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability residential amenity, landscape and visual impact, the impact upon designated heritage assets, highway safety and parking, drainage, ecology and sustainability.

Principle of Development

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
62. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
63. CDP Policy 2 allocates employment land for industrial and businesses purposes to meet the needs of employment land over the Plan period. However, CDP Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;

b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

64. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is not allocated for industrial purposes under Policy 2 but is located in a central position within the settlement around 400m away from the village centre, and with existing development to the west, north and north west, as well as beyond to the south of the site. Therefore, subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 the development is considered to be acceptable in principle.

65. The NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives. These are categorised as economic, social and environmental objectives. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

It also stipulates that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In particular in rural areas, Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

66. The applicant has explained that due to the growth of the business being quicker than expected back in 2020 when the application for new industrial buildings was submitted, and accounting for time to go through the planning and construction process, it is advised that additional manufacturing space will be required sooner than was initially expected. Technimark have advised that they expect their annual revenue for this year to exceed to annual revenue forecast by 2025 in December 2020. Since December 2020 the number of staff has increased from 92 to 118, with Technimark expecting this to exceed 120 by the end of the year. This is in line to exceed the 2020 forecast which predicted an increase in the number of staff to 120-130 by 2025. Technimark believe they can continue to grow their annual revenue over the next 5 years and add an additional 20-30 employees in the process.
67. The development would ensure medium term retention of the Technimark site within Middleton in Teesdale, securing the existing 118 no. jobs at the site and involving the expansion of the business to employ around 20-30 new members of staff over the next 5 years. Technimark also advise that they support a range of other local businesses in terms of sourcing supplies and services, daily essentials and corporate hospitality purposes.
68. Similarly to application DM/20/03644/FPA for the new industrial building, due to the need to expand the business if it is not possible to adapt the current site further a new site would need to be found as it would be inefficient and not economically viable to operate across 2 no. smaller sites given the nature and scale of production. There are understood to be no alternative sites within Middleton in Teesdale and so the relocation of the business could result in job losses in this area.
69. Having regard to the economic and employment benefits of the proposed extension, it is considered this broadly reflects priorities for urban regeneration, in accordance with criterion j) of Policy 6.

Locational Sustainability

70. CDP Policy 6 f) requires that new development within or outside but well related to existing settlements has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. CDP Policy 21 requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

71. NPPF Paragraph 105 states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
72. In this respect, the site is situated in a central position within Middleton in Teesdale around 400m from the village centre and would be easily accessible to local employees residing in the village on foot or by cycling. Similarly shops and services within the village would be accessible to employees during breaks or before or after work. Access to the site and to services in the village would be at the lower limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".
73. There are east and west bound bus stops around 250m away on California Row to the east and around 420m at Horsemarket to the west. There are a range of daytime services Monday to Saturday to Barnard Castle and Langdon Beck via intervening settlements from these bus stops. Whilst appreciating the business operates 24 hours per day 7 days a week across various shifts and public transport may not be accessible to all employees for this reason, the site would be accessible to some day time shift workers residing in Barnard Castle and nearby settlements via public transport.
74. Having regard to the accessibility by sustainable modes of travel, the proportionality to the size of the settlement and service provision, it is considered the development over and above that already approved would accord with Policy 6 f), and Policy 21 of the CDP and Part 9 of the NPPF in this respect.

Residential Amenity

75. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
76. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. CDP Policy 29 e) seeks to minimise the impact of development upon the occupants of existing adjacent and nearby properties.
77. In addition, CDP Policy 6 a) is permissible towards development on unallocated sites provided it is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.
78. The extension is proposed to be sited to the east elevation of the recently constructed industrial building away from the residential properties to the west.

The extension would be located approximately 85m away from the closest dwelling known as 'The Gables' which lies to the south east. No windows are proposed to be installed within the elevations of the extension. 'The Gables' is located adjacent to other existing industrial premises and the sewage treatment works and is separated from the site by a tree belt. Therefore, it is considered unlikely that noise from the car park would be discernible. It is also considered that given the tree belt and by use of a condition to agree precise details of external lighting, that occupiers of 'The Gables' would not be adversely affected by new lighting of the car park or from vehicle headlights.

79. Therefore, the physical development itself is not considered to adversely affect the amenity of any neighbouring residents in terms of visual dominance, overshadowing or loss of light due to the location of existing developments and separation distances.
80. Similarly to the previous application for the new industrial building, this proposal includes tree planting to the west side of the proposed warehouse to partially screen and soften the appearance of the building from the residential properties opposite. Residents have raised concerns that the trees could grow to a large height and cause loss of light and overshadowing themselves. The largest trees proposed would grow up to between 4.25m-6m tall (10no.), with the remaining trees growing up to 3m-3.5m tall (10no. to be closest to the western site boundary). The earth mound that has been created is approximately 2m high. The rear elevations of the adjacent residential properties to the west are located over 33m away from the western boundary of the site and the height of the proposed planting when established is not considered to reduce the light entering the rear windows. Given the length of the rear gardens of these properties, the trees are not considered to significantly reduce the amount of sunlight capable of entering their rear gardens. The proposals are consistent with the details approved under DRC/21/00292 relating to condition 7 of DM/20/03644/FPA. A condition is recommended to ensure adherence to the Landscape Management Specification approved under DRC/21/00292 to ensure the planting is adequately maintained, both to allow it to successfully develop and to ensure areas do not become overgrown or that trees/hedging do not become excessive in size.
81. The application is supported by a Noise Impact Assessment which calculated the worst case rated plant sound impact to be between 3 dB (daytime) and 2 dB (night time) below the background sound level. The assessment concludes that the proposal would therefore have a low impact. The calculated noise levels are 6 dB lower than the levels measured from the existing manufacturing space at the site. The application is also supported by an Odour Assessment which concluded that the predicted odour effect significance was negligible at all receptor locations.
82. The Council's Environmental Health Officers (EHO) have reviewed the submitted Noise Impact Assessment and Odour Assessment, considering them to have been undertaken by appropriately qualified and competent consultants and to have followed appropriate methodologies. EHO concur with the conclusions of the assessments, confirming that they demonstrate the

application complies with the thresholds stated within the TANS, indicating that the development will not lead to an adverse impact. Therefore, EHO have confirmed that the assessments demonstrate that noise and odour from the operation of the extension for manufacturing activities will not have a detrimental impact upon neighbouring amenity. A condition is recommended to secure adherence to the Noise and Odour Assessments.

83. Residents of the dwellings to the west of the site have raised concerns that three recent planning applications within the last 18 months have seen noise levels increase from 26 dBa to 30dBa. However, the most recent calculated noise level relating to this proposal still complies with the relevant thresholds, with the calculated noise levels being 6 dB lower than the levels measured from the existing manufacturing space at the site, and so refusal is not warranted on these grounds.
84. EHO have also reviewed the submitted Construction Management Plan (CMP) and consider this to provide satisfactory controls during this phase. A condition is recommended to secure adherence to the CMP.
85. Conditions are also recommended to restrict construction working hours, the timing of deliveries and collections of deliveries, and the timings of external forklift truck movements.
86. In terms of air quality, the site is located approximately 34 km to the south west of Durham City Centre and not nearby any of DCC's declared Air Quality Management Areas (AQMA). No air quality monitoring is undertaken in the vicinity of the site. There are existing sensitive receptors nearby the site including various residential properties, Middleton-In-Teesdale Primary School and various places of work. There are a number of ecological receptors to the south and south-west of the site including SSSIs and an AONB however these are over 350m from the proposed site boundary.
87. The Planning Statement notes that any additional vehicular activities will not go over and above those previously deemed acceptable as the proposed extension forms part of the business plan relating to application DM/20/03644/FPA for the newly constructed industrial building. Therefore, the IAQM screening criteria for further air quality assessment of the impacts of road traffic emissions in the construction and operational phases will not be exceeded and further assessment is not required.
88. The CMP includes the same mitigation measures as the previous planning application (DM/20/03644/FPA) and EHO recommended the complaints log for the previous development be reviewed. Technimark have confirmed that no complaints in relation to mud or other materials migrating onto the highway or dust were received during the construction of the recent industrial building.
89. In summary, the proposals are not considered to adversely affect the amenity of neighbouring residents, according with CDP Policy 6 a), 29 and 31, as well as Parts 12 and 15 of the NPPF.

Landscape and Visual Impacts

90. CDP Policy 6 d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
91. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
92. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
93. The boundary of the North Pennines Area of Outstanding Natural Beauty (AONB) wraps around the north and west sides of Middleton in Teesdale. The village itself and the application site are not located within the AONB, however there are elevated, long distance views into the settlement from the AONB. CDP Policy 38 states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
94. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. NPPF Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
95. The application seeks planning permission for an extension to an existing newly constructed industrial building and so the principle of an industrial building and associated car parking area in this location has already been established. The proposed extension would predominantly be seen in localised views from the Newtown area to the west and the southern section of Gas Lane, which is a private road.

96. The rear lane to the west of the properties on Newtown contains tall boundary walls along the western boundary, which together with the presence of the dwellings themselves, trees and other vegetation, and the existing recently constructed industrial building, would restrict views eastwards towards the site of the proposed extension from the public realm, generally only affording limited glimpses through private gardens.
97. To the south west, an unclassified road runs parallel to the north of River Terrace culminating with a stone boundary wall. The proposed extension would be visible from the public realm to the west of the stone boundary wall and the eastern end of the unclassified road, looking in a north east direction, although it would be seen in the context of the existing recently constructed industrial buildings and the unclassified road does not lead anywhere other than to access dwellings on River Terrace and so is most likely to be used by residents and their visitors.
98. A stone wall has been erected along the southern boundary as part of application DM/20/03644/FPA. Similarly to that approved application, landscaping is proposed in the form of the planting of a hedgerow and trees along the southern boundary, as well as trees to an earth mound along the southern part of the western boundary of the site. Landscaping Officers have indicated their satisfaction with the submitted details, advising that the earth mound would be suitable to establish seeding and pit planted trees provided it is stone picked, graded, and cultivated to a fine tilth prior to seeding and planting. A condition is recommended to secure the implementation of the proposed landscaping scheme in the next planting season, with the earth mound to be stone picked etc. prior to planting and with any failed planting within the first five years to be replaced. The landscaping scheme submitted with this application would supersede that approved under DM/20/03644. The use of matching materials to the existing industrial buildings (olive green profiled sheeting with brown flashings) is considered to be appropriate.
99. PRoW no.49, which also forms part of the route of the Teesdale Way, runs along the northern bank of the River Tees around 125m to the south of the proposed warehouse and car park and the proposed planting would help to partially screen the extension ensuring the visual impacts are not significantly adverse.
100. Views eastwards would be seen against the background of the existing industrial buildings and would not result in significant adverse visual impacts. Given the topography and intervening buildings and vegetation, the proposed development would not be visible from the B6282 to the north, which is the main road through Middleton in Teesdale.
101. The southern section of Gas Lane beyond the entrance to the application site is a private road serving the sewerage works, other industrial premises and a dwelling. There are no public rights of way along this track and it serves only these private premises. There is an existing stone boundary wall to the west side of the private, southern section of Gas Lane, however this would provide little screening. The new warehouse and car park would be prominent in views

from the private, southern section of Gas Lane, resulting in some localised landscape harm. However, this is not generally publicly accessible and would only be used by a small number of people accessing existing premises served by the private road.

102. The development would be visible from elevated sections of some PRowS within the North Pennines AONB to the north and south which provide long distance views of Middleton in Teesdale and the application site at a distance of around 650-700m away. It is acknowledged this would result in some residual landscape harm, although the extension would be seen in the context of the recently approved industrial building. The site is considered to be viewed as part of the built up area of the village rather than part of the open countryside and is well contained by natural and built features so would be viewed as part of the built up area rather than a feature or an intrusion into the landscape. Having regards to Section 85 of the Countryside and Rights of Way Act 2000 it is considered that the proposal would not compromise the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the area. As such there would be no conflict with CDP Policy 38 or NPPF Paragraph 176.
103. The proposed extension would be of a large scale which would result in some localised visual and landscape harm. Use of an appropriate colour palette and landscaping would help to limit this harm but would not fully address all visual impacts and landscape harm associated with the development, although the extension would be seen in the context of the existing recently constructed industrial building. CDP Policy 39 states that development affecting AHLV will only be permitted where it conserves and, where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. This planning balance exercise is undertaken later in the report.

Impact upon Designated Heritage Assets and the AHLV

104. The application site lies within the Middleton in Teesdale Conservation Area and an Area of Higher Landscape Value (AHLV).
105. NPPF Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
106. In line with this approach, CDP Policy 44 sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is

found to the heritage assets, with a public benefit test referenced similar to that within Part 16 of the NPPF. This states at Paragraph 202 that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

107. NPPF Parts 12 and 16 also advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
108. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker.
109. Middleton in Teesdale Conservation Area was designated in 1973 making it an early designation in conservation terms highlighting the longstanding quality of the built historic environment. The application site in part already has a very distinct industrial character, however the buildings of the current industrial estate are modest and generally relatively well integrated into their surroundings. The nearest buildings of interest are the nineteenth century Newtown to the west, a planned and co-ordinated development linked to the lead mining expansion of the time.
110. NPPF Paragraph 194 requires that applicants describe the significance of any heritage assets affected by development, usually by submission of a heritage statement. The Design and Conservation Officer does not consider that the submitted heritage statement identifies the significance of the site or reaches any substantiated conclusions about the impact the development would have upon significance. However, it is advised that had the application have been better supported and a revised statement addressing these matters provided, this would not change the Officer's conclusions relating to the heritage and design matters.
111. Whilst the scale and massing of the proposed warehouse is large, the area is well screened from the B6282, the main road through the village and heart of the Conservation Area due to existing buildings. It would be more visible in localised views within Newtown and to southern side of Gas Lane. As identified above, there would also be longer distance views from elevated public rights of way to the north and south. However, where seen the warehouse would be within the context of the settlement including adjacent existing industrial buildings, fire station and modern buildings at the Primary School. Proposed screen planting along the southern boundary, including the introduction of additional trees within the hedgerow and to the west adjacent to Newtown, would help to screen the development in localised views into the site from the conservation area.

112. The Design and Conservation Officer previously advised that the proposed new warehouse is of a scale and massing which does not reflect the historic or evolved grain of the settlement by encroaching into the previously undeveloped landscape buffer to the south of the site which has historically remained undeveloped and provided a green buffer to the south of the village and wrapping around the conservation area, albeit a significant area of green buffer would be retained. It was concluded that this localised and less than substantial harm should be balanced against any public benefits of the development. The Design and Conservation Officer has reiterated these comments, advising that the proposed extension would add to the scale and mass of the approved building and compound the already identified harm, however it is recognised that it is seen an infill extension in the context of existing development.
113. Overall, it is considered that the proposal would lead to localised less than substantial harm to the conservation area. While the level of harm is not considered to conflict with CDP Policy 6 or 10, in line with CDP Policy 44 and NPPF Paragraph 202 this level of harm must be weighed against the public benefits of the proposal. This planning balance exercise is undertaken later in the report.

Highway Safety and Parking

114. Criterion e) of CDP Policy 6 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
115. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
116. The application would see the creation of an additional 760m² of manufacturing floor space. 81 car parking spaces would be available to serve the site, including 2 no. electric vehicle charging points, 8 no. car sharing spaces and 16 no. cycle parking bays. This equates to a total of two fewer car parking spaces than proposed by application DM/20/03644/FPA. Objectors have raised concerns over the extension resulting in fewer parking spaces with an increased number of staff being required, as well as additional traffic being generated.
117. Technimark have advised that they currently employ 118 people, with 70% of people driving to work and the remaining either walking/cycling/carsharing or getting a lift. This is forecasted to increase to around 145 no. staff. The applicant advises there are around 6 different shift patterns over a two week period operating from the site, meaning not all current employees are on site at the same time. The busiest period is stated to be between 8.00am and 5.00pm

where the site could have a maximum of 52 people onsite working. For a 20-minute period during the 2pm shift change-over, the site could currently have a maximum of 67 people onsite. At the time of the previous application this was forecast to increase to 80 people as a result of the new industrial building and this number remains the same now including the proposed extension, due to Technimark having introduced a new shift pattern meaning several people will change shift at 6pm rather than at 2pm.

118. Given the above, the Highway Authority considers the amount of parking to be adequate to meet the needs of staff and visitors.
119. In terms of vehicular trips, Technimark have advised that currently they accommodate approximately 17 vehicles per day, 8 no. articulated size vehicles and 9 no. transit / UPS vehicles (approximately 1 vehicle every 35 minutes). Technimark have stated that the number of vehicles entering and leaving the site per day is not expected to increase noticeably as the same number of vehicles have capacity to transport additional quantities of parts and materials.
120. It is noted that Gas Lane also serves the Primary School and Fire Station. School drop off and pick up times, as with any school, generate a high parking demand in the vicinity of the school. It is understood that the Fire Station is not permanently manned or subject to a high degree of emergency call outs. The proposed development relates to expansion of a well established industrial use. The estimate of additional employees is 27 no. over 5 years with a minimal increase in commercial vehicle movements, split between HGVs and smaller vans, across a working day is not deemed material to the continued use of Gas Lane. In addition, the applicant has confirmed that the respective peak periods of existing Gas Lane usage (school pick up and drop offs) are acknowledged, with their intention being to operate a time slot process for deliveries and collections to restrict commercial traffic during such periods once the site is fully operational.
121. The Highways Authority consider that the development is not likely to result in a significant change in terms of traffic and associated highway safety on Gas Lane, given the relatively low increase in vehicle movements.
122. Overall, whilst concerns on this matter are appreciated, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 10, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Drainage

123. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
124. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme

on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

125. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
126. A Flood Risk Assessment has been submitted in support of the application. The application site is located within Flood Zone 1 (lowest risk of flooding) with land further to the south located within flood zones 2 and 3. The proposed drainage strategy is to collect surface water runoff via a series of rainwater pipes, swales and filter drains before discharging into a soakaway located beneath the south western car park, which would discharge into the ground. This approach would be in compliance with CDP Policy 35 and Part 14 of the NPPF. A condition is recommended to secure adherence to the Typical Drainage Details DR-C-3000 REV P02 approved under DRC/21/00104 and to agree hydraulic calculations in digital format.
127. Foul drainage would be disposed of into the public sewer. This approach is in accordance with the hierarchy specified in CDP Policy 36.
128. Overall, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with CDP Policies 35 and 36 and Part 14 of the NPPF.

Ecology

129. CDP Policy 41 seeks 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.
130. The submitted Biodiversity Net Gain report and associated metric show that a net gain in biodiversity is possible on site, provided a number of habitats are created as detailed within the report. This includes areas of new, and retained and enhanced grassland which are shown on the Landscaping Principals Plan. The County Ecologist initially requested some points of clarification regarding the Biodiversity Net Gain report, associated metric, and proposed seed mixes and planting schedules, but has indicated their satisfaction to the revised details that have been submitted. A condition is recommended to secure adherence to these details.

131. Overall, the Council's Ecologist has indicated their satisfaction with the information provided and that net gains in biodiversity can be achieved on site, according with CDP Policy 41 and Part 15 of the NPPF.
132. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site.
133. Earlier this year Natural England provided guidance for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites. In this instance, the site is located within 200m of the River Tees which flows into the Teesmouth & Cleveland Coast, which is a designated Special Protection Area (SPA) and Ramsar site (Wetlands of international importance) and is identified as a habitat site in unfavourable condition due to excessive nitrogen nutrients.
134. Applications within the catchment area of the Teesmouth & Cleveland Coast that would generate additional wastewater are required to be supported by information to demonstrate that it will not contribute additional significant nutrients, alone or in-combination directly to, or upstream of, any unfavourable location which is important for maintaining or restoring the sensitive designated interest features, otherwise mitigation through nutrient neutrality would be required.
135. In this instance, the application relates to industrial development. Natural England have advised that in relation to industrial development it is assumed that the people working at the site would also live nearby and so within the catchment area. This avoids the double counting of nutrient discharge. Therefore, the employees are thought to already generate wastewater that would be discharged to the catchment area from their homes. Following this logic, an extension to an industrial building with an increased number of staff would not result in an increase in nitrates being discharged into the catchment area. In addition, Technimark is understood to employ the majority of their staff from a relatively local area, likely also within the relevant catchment area. Therefore, the proposal is not considered to result in an increase in nitrates being discharged to the Teesmouth & Cleveland Coast and so no mitigation measures are required.
136. Overall, the proposals accord with CDP Policy 41, 42 and 43 as well as Part 15 of the NPPF.

In Response to Objectors Concerns

137. Objectors have raised concerns that forklift trucks with reverse beepers are audible from 6:30am to 10pm. Condition 15 of planning permission DM/20/03644/FPA states that, 'There shall be no external forklift truck

movements outside the hours 0600 to 2200hrs on any day.’ Therefore, the movement of forklift trucks from 6:30am-10pm complies with the requirements of this condition. It is recommended that this condition remains appropriate and is repeated for this application.

138. A concern was raised that Figure 11 in the noise report shows the new buildings to be lower than the original buildings on the site, which they contend is not the case and could have led to predicted noise levels being underestimated. Figure 11 is a 3D model that shows the position of the new buildings in relation to the residential properties to the west in order to predict noise transmission and propagation. The model does not show the pitched roofs of the recently constructed and newly proposed industrial buildings, with their height appearing to be of a similar height to the existing buildings on the site, which in actuality are lower. However, Environmental Health Officers have reviewed the Noise Impact Assessment and raise no concerns regarding the methodology used.
139. Concerns were raised that the 6 cooling fans to the south of the existing manufacturing building and the north west of the recently constructed industrial building are the most significant noise source not the River Tees as the Noise Report suggests, with noise from the cooling fans having increased now that they are enclosed by the new building. The applicant has confirmed that no additional cooling fan units are to be installed as a result of the proposed extension. The applicant has also advised that following a neighbouring resident complaining about the noise generated from the cooling fans, a new double panelled fence has been installed around the enclosed area of existing fans to help mitigate the risk of noise.
140. Objectors have raised concerns with the earth bank that has been created along the southern part of the western boundary of the site, including in relation to the planting proposed on top of this potentially reducing the effectiveness of their screening, affecting the establishment of the planting, and potentially damaging the stone boundary wall. Landscaping Officers have indicated their satisfaction with the submitted details, advising that the earth mound would be suitable to establish seeding and pit planted trees provided it is stone picked, graded, and cultivated to a fine tilth prior to seeding and planting and assuming the soil complies with the relevant specification. A condition is recommended to secure the implementation of the proposed landscaping scheme in the next planting season, with the earth to be stone picked etc. prior to planting and with any failed planting within the first five years to be replaced. Property damage is not a material planning consideration, but in any case there is a gap between the earth mound and the stone boundary wall to the west and so this is not expected to damage the wall.
141. Objectors have raised concerns that Technimark are trying to exploit the planning system by submitting incremental extensions. The applicant has explained that due to quicker than expected growth over the past few years the extension and additional manufacturing space it would provide is required sooner than was initially expected. Each planning application is judged on its own merits and officers are satisfied that the proposed extension when

considered alongside the existing recently constructed industrial buildings is appropriate in all respects.

142. An objector has questioned when the site begun operating for 24 hours a day and if neighbours were consulted. Industrial workshops were initially granted planning permission to be erected on this site in the 1980's. Extensions to link the workshops were approved in 1993. No conditions were imposed on these consents to restrict the hours of operation. Whilst the exact date the site begun operating for 24 hours a day is not known, this is understood to have been for a number of years and so it would not be reasonable or relevant to this application for an extension to impose a condition to restrict this now.

CONCLUSION

143. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The CDP is an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
144. The development would cause less than substantial harm to the Middleton in Teesdale Conservation Area. As a result, both CDP Policy 44 and NPPF Paragraph 202 advise that this harm should be weighed against the public benefits of the proposal. These public benefits are considered to be greater than those associated with the erection of the new industrial building approved under DM/20/03644/FPA, now comprising of securing the existing 118 no. jobs at the site, the further expansion of the business to employ around 20-30 new members of staff in a range of positions over the next 5 years, and continued increased support a range of other local businesses in terms of sourcing supplies and services, daily essentials and corporate hospitality purposes.
145. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to the Conservation Area having regards to CDP Policy 44 and NPPF Paragraph 202.
146. Similarly, it is considered that the identified public benefits that would arise from the development would outweigh the identified landscape harm having regards to the requirements of CDP Policy 39.
147. It is concluded that the proposal would represent the development of a site that is well related to the existing settlement, is compatible with adjacent land uses, would not result in inappropriate back land development and does not result in the loss of land that has a recreational, ecological or heritage value. The development is considered appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. The development would not be prejudicial to highway safety and is considered to be

in a sustainable location. It is therefore concluded that the development would accord with relevant policies of the County Durham Plan and the NPPF.

148. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application in light of the significant benefits of the scheme, and the ability to impose conditions to control detailed construction, design and operational matters. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

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

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

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

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

- Location Plan and Block Plan L020033 - 035 REV A
- Proposed Site Layout Plan L020033 - 030 - REV G
- Proposed Site Landscaping Principals and Additional Enhancements L020033 - 034 - REV B
- Detailed Landscape Proposals PH2 3798-3A
- Existing and Proposed North Elevations L020033-032
- Existing and Proposed South Elevations L020033 - 031 - REV B
- Existing and Proposed East Elevations and Overall West Elevation L020033 - 033 - REV B
- Impermeable Areas Plan DR-C-2010 P05
- Engineering Plan DR-C-2002 P06
- Mechanical Services AHU01 HVAC Schematic 501895007001 C1
- General Arrangement of Air Handling Unit A1-220134/001/GA

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 6, 10, 29, 31, 38, 39 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 11, 12, 15 and 16 of the National Planning Policy Framework.

3. No development other than ground clearance or remediation works shall commence until hydraulic calculations in digital format in relation to surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. The development hereby approved

shall be undertaken in accordance with the Typical Drainage Details DR-C-3000 REV P02 approved under DRC/21/00104.

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

4. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

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

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season (1st October 2022-31st March 2023). The landscaping shall be managed in accordance with the Landscape Management Specification undertaken by Rosetta Landscape Design received on the 9th September 2022. The earth mound that has been created to the south west of the site shall be stone picked, graded, and cultivated to a fine tilth prior to seeding and planting.

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

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

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

Replacements will be subject to the same conditions.

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

6. The development hereby approved shall be undertaken in complete accordance with the Construction Management Plan (Wardman Brown, April 2022).

Reason: To protect the residential amenity of existing and future residents from the development during construction works in accordance with Policy

31 of the County Durham Plan and Part 15 of the National Planning Policy Framework

7. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 8000 to 1800 on Monday to Friday and 8000 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 8000 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

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

8. The development hereby approved shall be undertaken in complete accordance with the Noise Impact Assessment (Apex Acoustics, 8524.4 Rev B, 8th June 2022) and Odour Assessment (Apex Air, 8524.5, Rev B, 8th June 2022).

Reason: In the interests of residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

10. Prior to first use of the extension hereby approved, all 81 no. parking spaces depicted on drawing no.L020033 - 030 - REV G (Proposed Site Layout Plan) shall be constructed and demarcated by surface lining or marking to ensure they are used to maximum capacity. The car parking spaces shall thereafter be used solely for the parking of employee and visitor parking and not for any external storage or loading.

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

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

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

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

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

13. The development shall be undertaken in strict accordance with the Biodiversity Net Gain Report undertaken by Naturally Wild dated 9th September 2022, and the Biodiversity Metric 3.0 Biodiversity Calculation R4 received on the 12th September 2022, and the Landscape Management Specification undertaken by Rosetta Landscape Design received on the 9th September 2022.

Reason: To ensure net gains in biodiversity are delivered on site in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy 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.

BACKGROUND PAPERS

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

Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>DM/22/01877/FPA</p> <p>Erection of extension to newly constructed building</p>	
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	<p>Date: 14th September</p>	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01643/FPA
Full Application Description:	Insertion of louvre into the southern elevation of building approved under DM/20/03644/FPA
Name of Applicant:	Mr Stephen Shaw
Address:	Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale, DL12 0TN
Electoral Division:	Barnard Castle East
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located on the southern fringe of the village of Middleton in Teesdale to the south west of the County and relates to the building erected under planning permission DM/20/03644/FPA. The site is operated by Technimark who principally manufacture plastic injection moulded components for the medical, pharmaceutical, and healthcare industry. The site currently employs around 118 no. staff and operates across various shift patterns 24 hours per day. The existing Technimark site is considered to fall under a B2 general industrial use.
2. Access to the site is taken from the adopted highway Gas Lane, at the north-eastern corner of the site that leads to a central courtyard providing parking and delivery access. There are pockets of undeveloped land and landscaping areas scattered around the site.
3. Immediately to the north of the site lies a paddock containing an agricultural building with allotments/gardens behind. Planning permission

DM/18/00120/FPA and DM/20/00039/VOC granted consent for erection of a new build dwelling in the paddock to the north of the Technimark site, which is currently under construction. Beyond the paddock, St Aidan's Chapel, a mid-20th century building, adjoins the B6282 on a triangular shaped site between Dale View and Gas Lane. To the east lies the highway, Gas Lane, where a range of existing civic buildings including the fire station, village hall and primary and nursery school of late 20th century modern appearance are located. A cricket club, sewerage works, other industrial premises and a dwelling known as the Gables, lie further south along Gas Lane beyond the extent of the adopted highway. To the south of the site an undeveloped agricultural field leading to the River Tees is located along with footpath no. 49 (Middleton in Teesdale).

4. Land to the west of the site is of residential character, comprising a series of historic terraced dwellings at Newtown and River Terrace. Dwellings continue northwards along Masterman Place and Dale View to meet the B6282.
5. The Technimark premises lie within the Middleton in Teesdale Conservation Area and within a designated Area of Higher Landscape Value (AHLV).

The Proposal

6. The application seeks planning permission for the insertion of a louvre into the south elevation of the taller eastern part of the newly constructed industrial building. Internally a mezzanine floor has been installed to the south of this part of the building and an air handling unit is intended to be fitted here to pump air into the building in order to create a pressurised and clean manufacturing space. The louvre would measure 1.5m wide by 1m tall and be finished in an olive green colour to match the existing cladding of the building. The louvre would be used in conjunction with internal high level HVAC ductwork that has been installed within the western part of the building.
7. The western part of the building was originally intended to be used for warehousing and is now stated to be used for manufacturing. However, the committee report for previous application DM/20/03644/FPA stated that the applicant previously advised that based on the anticipated level of growth of the business manufacturing would likely take place within the warehouse area within a few years. As the site is considered to operate under a B2 (general industrial) use this is not considered to amount to a material change of use which requires planning permission in its own right.
8. The applicant has explained that due to the growth of the business additional manufacturing space is now required. The louvre would enable the western part of the building to be used for production and to be operated as a clean room, by providing ventilation and bringing air into the building rather than to provide air extraction.
9. The application is being reported to planning committee at the request of the Middleton – in – Teesdale and Newbiggin Parish Council on the grounds of noise and disturbance affecting residential amenity.

PLANNING HISTORY

10. Application DM/22/01877/FPA for the erection of extension to be used for manufacturing to the east of the newly constructed building is currently pending consideration.
11. Planning permission DM/20/03644/FPA was granted in March 2021 for the erection of a new 1890sqm warehouse to the south of an existing manufacturing building to the western boundary of the site. The building has been constructed but at the time of writing is not yet operational. The building measures 57.3m in length and 37.2m in width. The building has two pitched roofs, one measuring 8m to ridge height and 6.3m to eaves height and the other on the lower western element, at a reduced height of 6.6m to ridge height and 5.3m to eaves. The taller building is to be used for warehousing with the other building closer to the western boundary of the site to be used for manufacturing. The building is set in by 13.8m from the western site boundary and a distance of 3.9m-4.9m from the southern boundary.
12. The small brick industrial units on the northern side of the site were first established in the early 1980's and extended to the south and west sides during the late 1980's and 1990's. Planning permission 6/2005/0143/DM granted consent for a further extension to form the manufacturing building to the south west side of the site. Planning permission 6/2014/0012/DM granted consent for the storage building situated to the south east corner of the site.

PLANNING POLICY

National Policy

13. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
14. 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.
15. 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.

16. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
20. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and

land stability and remediating contaminated or other degraded land where appropriate.

23. NPPF Part 16 Conserving and enhancing the historic environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

25. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. *Policy 2 (Employment Land)* supports development of and extensions to B1, B2 and B8 developments within specified employment allocations, but also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken for employment uses, and that the use would not compromise the main use of the site for B class uses and would comply with retail Policy 9 where main town centre uses are being proposed.
27. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in

scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

28. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
29. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
30. *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.
31. *Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB))* sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
32. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

33. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

Neighbourhood Plan:

34. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

35. *Middleton in Teesdale and Newbiggin Parish Council* – Object to the application on the grounds that it would create additional noise disturbance for residents.

Non-Statutory Responses:

36. *Environmental Health Nuisance* – Advise that the submitted Noise Assessment demonstrates that the application complies with the thresholds stated within the TANS, indicating that the development will not lead to an adverse impact, and recommends several conditions.

Public Responses:

37. The application has been publicised by way of 2 no. site notices, a press advertisement and individual neighbour notification letters. 5 no. letters of objection have been received in response, with a summary of the key areas of concerns as follows:

Residential Amenity

- The proposal would result in increased noise and other pollution,
- Locating the louvre to the east would have a significantly lower impact,
- The Noise Impact Assessment does not include cooling fans as local noise sources,
- Concerns over what the louvre may omit to the atmosphere,
- The proposal would see manufacturing machinery brought closer to residential properties.

Other Matters

- Work has been carried out well after the construction working hours of between 7.30am till 6pm on multiple occasions required by condition 13,

- Landscaping has not been carried out in a timely manner, condition 7 required planting to take place upon the substantial of the warehouses which was the summer of 2021 so planting should have taken place the autumn of 21 or beginning of 2022,
- Condition 10 required the car parking spaces to be constructed before the warehouse was occupied,
- The wall has been built using largely new stone and appears incongruous,
- The description of the proposal is misleading as the main detail is the relocation of manufacturing closer to the residential properties to the west.

Applicants Statement:

38. Technimark manufactures plastic injection moulded components for the medical, pharmaceutical and healthcare industry. The company has expanded at its Middleton -in-Teesdale site on three occasions within the last 20 years, most recently in 2021, with the creation of additional warehousing and manufacturing units and, of course, jobs. It is a significant local employer. When the previous application was submitted in December 2020, Technimark employed 90 people at its Middleton-in-Teesdale site, split between production and production support. Presently, 118 people are employed at the site.
39. Such has been the recent success of the business that on nearing completion of the warehouse building, that had been approved on 31st March 2021, Technimark found itself in urgent need of additional manufacturing floorspace and proposed using the western half of the building intended for warehousing manufacturing purposes. We were advised that the Council considers the entire Technimark site to be a Class B2 (general industry) use and that planning permission would not be required as the proposal did not constitute a change of use in planning terms.
40. Planning permission is required, however, for the insertion of a new louvre (air intake) on the south side of the eastern half of the building, hence this planning application. The louvre links internally to an air conditioning system serving the new manufacturing area. The planning application submission includes a Noise Impact Assessment, which demonstrates that at worst noise emissions from the new manufacturing facility would be 5 dB (daytime) and 4 dB (night time) below the background noise level and would not present any noise nuisance. In this regard, it is noted the Council's Nuisance Team agree with the findings and are content that the insertion of the louvre into the southern elevation of the building will not have a detrimental impact upon the amenities of the occupiers of nearby houses through noise impact.
41. The key planning consideration with regards to the proposal the subject of this application is visual impact. In this regard, it has been assessed that the proposed louvre, which will be colour co-ordinated with the composite wall cladding on the southern elevation of the building, will have minimal impact on the appearance of the building and a neutral impact upon the character and appearance of the Middleton-in-Teesdale Conservation Area. In this regard, the proposed development is considered acceptable.

PLANNING CONSIDERATION AND ASSESSMENT

42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, landscape and visual impacts, and the impact upon designated heritage assets.

Principle of Development

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
44. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
45. CDP Policy 2 allocates employment land for industrial and businesses purposes to meet the needs of employment land over the Plan period. However, CDP Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

46. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is not allocated for industrial purposes under Policy 2 but is located in a central position within the settlement, around 400m away from the village centre, and with existing development to the west, north and north west, as well as beyond to the south of the site, and therefore subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 the development is considered to be acceptable in principle.

Residential Amenity

47. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
48. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. CDP Policy 29 e) seeks to minimise the impact of development upon the occupants of existing adjacent and nearby properties.

49. In addition, CDP Policy 6 a) is permissible towards development on unallocated sites provided it is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.
50. Objectors have raised concerns regarding the louvre resulting in additional noise and pollution. The application is supported by a Noise Impact Assessment which calculated the worst case rated plant sound impact to be between 5 dB (daytime) and 4 dB (night time) below the background sound level. The assessment concludes that the proposal would therefore have a low impact.
51. The Council's Environmental Health Officers (EHO) have reviewed this assessment and consider it to have been undertaken by appropriately qualified and competent consultants and to have followed appropriate methodologies. EHO concur with the conclusions of the assessment, confirming that it demonstrates that the application complies with the thresholds stated within the Council's Technical Advice Notes (TANS), indicating that the development will not lead to an adverse impact. Therefore, EHO have confirmed that the assessment demonstrates that noise from manufacturing activities and the insertion of the louvre will not have a detrimental impact upon neighbouring amenity. A condition is recommended to restrict the maximum level of noise emitted from the building and requiring the operator to provide a report demonstrating adherence to these levels within 28 days of being requested to do so by the LPA.
52. Due to the proximity of the building, in relation to residential properties, and that the activities that will be undertaken on a 24hr period, EHO also recommended conditions to restrict the timings of forklift truck movements and the delivery and collection of products involved in manufacturing, however this is secured by condition 15 and 16 of permission DM/20/03644/FPA and so it is not necessary to repeat them for this application which only seeks consent for the insertion of a louvre.
53. Objector's comments have been noted in relation to existing noise issues, however EHO have commented that no noise complaints have been received in relation to noise associated with manufacturing activities. A complaint was received in relation to noise associated with the construction of the new industrial buildings, and an objection has been received stating that the works breached the specified construction working hours specified by condition 13 of DM/20/03644/FPA, however the construction phase of the approved building has now been substantially completed.
54. It is noted that there are two emergency exit doorways on the western elevation of building F (fig. 2 of the noise assessment) which face towards receptors. EHO have recommended a condition to require these doors remain closed at all times, with the exception for opening in relation to emergency egress and maintenance of the doors. These doors were also shown on the approved site plan from application DM/20/03644/FPA and no such condition was imposed to require these doors to be kept closed. As this application seeks consent for the insertion of a louvre only, a condition seeking to require the doors to remain closed is not relevant to the development to be permitted and so such a

condition would not meet the six tests set out by NPPF Paragraph 56. Nevertheless, the applicant has indicated their intention for these doors to remain shut except in emergencies, Environmental Health also have statutory powers to address any nuisances should they arise.

55. Objectors have raised concerns that the proposal would see manufacturing machinery brought closer to residential properties. Whilst the building was initially stated to be used for warehousing and is now stated to be used for manufacturing, the site is considered to operate under a B2 (general industrial) use. The committee report for previous application DM/20/03644/FPA stated that the applicant advised based on the anticipated level of growth of the business, (anticipated to be around 8% per annum) there could be manufacturing within the warehouse area in approximately 3 years time (from the end of 2020). The applicant has explained that growth has been quicker than initially anticipated, with the number of staff having increased from 92 in December 2020 to 118 in August 2022 and annual revenue expected to have increased over the past two years by 65% at the end of 2022. Consequently, additional manufacturing space is required earlier than expected. The Noise Assessment submitted with application DM/20/03644/FPA was undertaken on the worst case scenario with manufacturing uses taking place in the proposed warehouse building. The committee report concluded at paragraph 143 that, *'even if manufacturing uses were to take place in the proposed warehouse, noise would be adequately contained within the building and would not adversely affect adjacent residents.'* EHO have reviewed the latest submitted noise assessment and the proposed plans and concluded that the amenity of neighbouring residents would not be adversely affected by the insertion of the louvre.
56. Objectors have also raised concerns over what the louvre may omit to the atmosphere. The applicant has confirmed that the louvre is proposed to be used for intake air flow only and will not be used for air extraction.
57. In summary, the insertion of the louvre is not considered to adversely affect the amenity of neighbouring residents, according with CDP Policy 6 a), 29 and 31, as well as Parts 12 and 15 of the NPPF.

Landscape and Visual Impacts

58. The site lies within an Area of Higher Landscape Value (AHLV).
59. CDP Policy 6 d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
60. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of

Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.

61. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
62. The boundary of the North Pennines Area of Outstanding Natural Beauty (AONB) wraps around the north and west sides of Middleton in Teesdale. The village itself and the application site are not located within the AONB, however there are elevated, long distance views into the settlement from the AONB. Policy 38 of the CDP states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
63. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. NPPF Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
64. Views of the louvre would be limited to localised vantage points within Newtown and to southern side of Gas Lane and seen in the context of the existing industrial buildings. The louvre is proposed to be of a scale and olive green colour finish to match the existing building so would not appear unduly prominent. The louvre is unlikely to be visible from PRoW no.49 or elevated sections of the PRoWs within the North Pennines AONB to the south given their distance of around 125m and 650-700m away respectively and the use of a recessive olive green colour.
65. Therefore, it is considered that the proposal would have a neutral impact on the character and appearance of the AHLV and AONB, according with CDP Policy 6, 29, 38 and 39, Part 12 and 15 of the NPPF, and Section 85 of the Countryside and Rights of Way Act (2000).

Impact upon Designated Heritage Assets

66. The application site lies within the Middleton in Teesdale Conservation Area.

67. NPPF Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
68. In line with this approach, CDP Policy 44 sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within Part 16 of the NPPF. This states at Paragraph 202 that where a proposed development will lead to substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
69. NPPF Parts 12 and 16 also advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
70. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker.
71. Middleton in Teesdale Conservation Area was designated in 1973 making it an early designation in conservation terms highlighting the longstanding quality of the built historic environment. The nearest buildings of interest are the nineteenth century Newtown to the west, a planned and co-ordinated development linked to the lead mining expansion of the time. The open pasture land to the south of the site provides a green buffer to the south of the conservation area, with the application site already having a very distinct industrial character which has been further established by the recently constructed building.
72. The louvre would not be visible from the B6282, the main road through the village and heart of the Conservation Area due to existing buildings, with views limited to localised vantage points within Newtown and to southern side of Gas Lane. The louvre would be seen in the context of the existing industrial buildings and is proposed to be of a scale and olive green colour finish to match the existing building so would not appear unduly prominent.
73. Therefore, it is considered that the proposal would have a neutral impact on the character and appearance of the conservation area, according with CDP Policy

6, 29, and 44, Part 12 and 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

74. Objectors have raised concerns that the landscaping approved under permission DM/20/03644/FPA has not been carried out in a timely manner. Condition 7 required planting to take place upon the substantial completion of the new industrial buildings and so is expected to take place within the next planting season (October 2022 – March 2023).
75. Objectors have made reference to condition 10 of permission DM/20/03644/FPA which required the car parking spaces to be constructed and demarcated by marking prior to the first use of the new building. The car parking spaces shown on the approved site plan have not yet been constructed due to a separate application coming forward on the site of the parking spaces for an extension to the new industrial building (reference DM/22/01877/FPA). At the time of writing, the approved buildings have not been used for warehousing or manufacturing and so there is no breach of this condition. It is noted that application DM/22/01877/FPA proposes the reconfiguring of the car parking spaces to accommodate an extension.
76. Objectors have raised concerns that the wall along the southern boundary of the site has been built using largely new stone and appears incongruous. Condition 9 of permission DM/20/03644/FPA required that the wall matched the previous wall, with there being nothing to prevent new stone being used as long as it matched. Inevitably new stone will take some time to weather down and it cannot be expected to resemble historic stone work immediately, however within a relatively short period of time it will be closer in terms of colour to surrounding historic walls. Whilst it is acknowledged that the new wall may be very marginally lower than the previous wall this is not to such an extent that it would materially conflict with the purpose of condition 9 or adversely affect the amenity of neighbouring residents.

CONCLUSION

77. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The CDP is an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
78. The application seeks planning permission for the insertion of a louvre into the south elevation of the building approved under DM/20/03644/FPA. It is concluded that this would not adversely affect the amenity of neighbouring residents and would have a neutral impact on the conservation area and AHLV.

Therefore, the proposal is considered to accord with relevant policies of the County Durham Plan and the NPPF.

79. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

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

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

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

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

Site location plan L020033-043 REV A
Proposed site layout and floor plan L020033-041 Rev A
Existing and proposed south elevations L020033-042
General arrangement of air handling unit 220134/001/GA Rev P2
Mechanical services AHU01 HVAC schematic 501895007001 Rev C1

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 6, 29, 31, 38, 39 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 11, 12, 15 and 16 of the National Planning Policy Framework.

3. The rating level of noise emitted from building F, as annotated within the submitted Noise Impact Assessment 8524.3 Rev A undertaken by Apex Acoustics dated 9th May 2022, shall not exceed 43dB LAeq (1 hour) between 07.00-23.00 and 36dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the local planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>Insertion of louvre into the southern elevation of building approved under DM/20/03644/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 14th September</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01695/FPA
Full Application Description:	Resubmission of DM/22/00885/FPA for the conversion of lambing shed to single dwelling and engineering works to create lower ground floor, new access road, install ground source heat pumps and klargester package sewage treatment plant, create 3 ponds and construct new footpath (part retrospective)
Name of Applicant:	Mr Malcolm Wass
Address:	Stockley View, Stockley Lane, Oakenshaw, Crook, DL15 0TL
Electoral Division:	Willington and Hunwick
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a parcel of land measuring approximately 0.285ha located to the south of Stockley Lane some 400m to the south west of the Brancepeth settlement. The site occupies a predominantly rural setting with the nearest residential properties sporadically located 130m to the west (Stockley Lodge), and 270m to the east (Stockley Grove). Previously a wooden clad, breezeblock agricultural storage building with a breezeblock base and corrugated metal sheet roof, was sited on the land. The remnants of this structure remain, now consisting of the wooden clad external walls with corrugated metal sheet roof.

2. The site is partially screened from the adjacent highway to the north by a narrow landscape strip whilst also being set below the road level at the base of a raised verge. Land immediately surrounding this structure was previously used for agricultural purposes but currently comprises the storage of loose materials and the siting of a metal storage container currently sited adjacent to the northern site boundary. The site lies within a defined Area of Higher Landscape Value (AHLV) and opposite the edge of the Brancepeth Conservation Area.
3. Access to the site is achieved from an existing farm access gate off Stockley Lane to the east and via a narrow track through the adjoining field. Planning permission DM/17/01924/FPA was previously granted for an improved access to the site, which has been partially implemented.

The Proposal

4. Application reference DM/20/03733/PNC was approved by the Local Planning Authority in 2019 to convert the agricultural building to a dwelling and was considered to meet the criteria of Class Q of Part 3 (Schedule 2) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Since the approval of DM/20/03733/PNC engineering works have begun to create a lower ground floor to the building, two ponds, and to allow the installation of ground source heat pumps and a klargester package sewage treatment plant. A new driveway from the access to the building has also been created. Retrospective planning permission is sought for these works. In addition, the application seeks planning permission for engineering works to create a third pond which has not yet been excavated and to construct a new footpath leading from the barn for a length of 240m along the northern boundary of the site and 100m along the eastern boundary to provide access to the bus stop on the A690.
5. The ground underneath the building has been excavated and the breezeblock walls and base removed. A new breezeblock base has been formed and steel supports installed to this to hold up the remnants of the building. Therefore, the works to convert the building have started on site but have not taken place in accordance with the approved plans from DM/20/03733/PNC and consequently planning permission is now required for the conversion of the building to a dwelling and the associated engineering operations. The appearance of the building is proposed to be the same as that granted prior approval under DM/20/03733/PNC.
6. The application is being reported to planning committee at the request of Councillors Tinsley and Gunn on the grounds of highway and landscape impacts, the suitability of the development for its location and the planning history of the site.

PLANNING HISTORY

7. The applicant has sought to convert the barn to a dwelling since March 2015 when application DM/15/00727/PNC was submitted. The applicant was

informed that prior approval to convert the agricultural building to a dwellinghouse (use class C3) and for associated operational development was required on the 5th May 2015.

8. DM/16/01219/PNC for the same proposal was refused and dismissed at appeal due to concerns regarding the extent of the building operations proposed being beyond what is permitted by the aforementioned Class Q.
9. DM/17/01200/FPA sought consent to provide an improved vehicular access to the site. Refused 1st June 2017 due to concerns over the access arrangements not achieving adequate visibility and the removal of roadside vegetation.
10. Application DM/17/01924/FPA sought consent to relocate the existing access to the east. The track leading to the barn was not included within the red line boundary. Approved 14th July 2017.
11. Application DM/19/02215/PNC to convert the agricultural building to a dwellinghouse was granted prior approval on the 10th September 2019 as it was considered to meet the criteria of Class Q of Part 3 (Schedule 2) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
12. A revised scheme, DM/20/03733/PNC, was approved by the Local Planning Authority on the 9th February 2021.
13. The applicant withdrew application DM/22/00885/FPA which sought planning permission for the same proposals as this application, with the exception of the newly proposed footpath, after being advised it was going to be refused.

PLANNING POLICY

National Policy

14. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
15. 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.
16. 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.

17. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
18. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
20. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
21. NPPF Part 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.
22. 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.
23. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from

contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

25. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
27. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
28. *Policy 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.

29. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
30. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
31. *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.
32. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
33. *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.

34. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
35. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
36. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
37. *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.
38. *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.
39. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

40. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

41. *Greater Willington Parish Council* – No response received.
42. *Highways Authority* – Raise no objections.

Non-Statutory Responses:

43. *Spatial Policy* – Advise that the existing building did not make a positive contribution to the area and that it could not be converted into a dwelling without substantial or complete rebuilding, contrary to CDP Policy 10. It is also advised that the future occupants would be dependent upon private vehicles to reach most essential services and places of employment and recreation.
44. *Design and Conservation* – Consider that the existing building does not make a positive contribution to the character and appearance of the area and would clearly require substantial rebuilding to facilitate conversion, contrary to CDP Policy 10. The building in its original state featured limited fabric with partially open sides and timber which would likely require replacement in its entirety.
45. *Landscape Section* – Consider the proposal to be contrary to CDP Policy 10 and to appear as a negative feature in the rural landscape, particularly when considering the introduction of an associated property curtilage, lite pathways and large amounts of glazing on prominent elevations which would erode the functional and utilitarian agricultural appearance of the existing building.
46. *Archaeology* – Raise no objections as the submitted Desk Based assessment of the site concludes that there is no evidence of archaeological remains having been affected.
47. *Ecology* – Recommend conditions requiring adherence to the Recommendations detailed in Section 5.2 of the PEA report, and the submission of a detailed habitat creation, management and monitoring plan for the proposed habitats as detailed in the Defra metric prior to the commencement of works.
48. *Environmental Health Contamination* – Confirms there is no requirement for a contaminated land condition.

External Consultees

49. *Health and Safety Executive* – Advise that the proposed development is within the Consultation Distance of a major hazard pipeline and that the pipeline operator should be contacted prior to the determination of the application.
50. *National Grid* – Advise that the site has been found to be outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed.
51. *Northumbrian Water Ltd* – No response received.

Public Responses:

52. The closest residential property was notified in writing and a site notice was posted. No representations have been received.

Applicants Statement:

53. I started the development to provide a home for my daughter and her disabled partner and I wanted her to have a green and energy efficient building that was proof against the looming energy crisis. At every stage I have taken specialist advice to make this a state of the art fully sustainable development.
54. We all now realise that renewable energy sources are a mitigation of climate warming, so I decided to install a ground source heating system and sought specialist engineering advice from world renowned companies on how best to do it. I freely admit that I did not appreciate that renewable energy systems being promoted by government needed planning permission.
55. I wanted the finished site to look as natural and undisturbed as possible and for it to be a haven for wildlife. Again, I didn't think that widening the watercourse to create ponds to mitigate downstream flooding and conserve water that the wildlife and deer drink from needed planning permission.
56. Again, I didn't think the ponds I built that the livestock wildlife and deer drink from by widening the watercourse to conserve water and mitigate flooding needed planning permission. Again, I sought specialist architectural and engineering advice on all of the engineering aspects for the basement construction, but omitted planning. Being underground I considered it would not cause any problems to anyone.
57. I regret not asking the planning department for their advice but would stress that if allowed to continue with the development, the barn will look exactly like the conversion that was approved by the Council twice, with the exception that all of the cars and other domestic paraphernalia would be hidden away underground, leaving a cleaner and greener site than would otherwise have been the case.
58. Councillors will appreciate that I have spent many tens of thousands of pounds in construction work, moving the access to suit the highway department, building the ponds and installing the ground source heat pumps. I think this

project could be an asset to County Durham as a showcase of energy efficiency, green energy and nature conservation best practice.

59. Policies are designed to achieve an objective and a degree of common sense always has to come into good decision making. I am profoundly disappointed that so little weight is being given to the fact that a barn conversion has been approved here already, the converted barn would be 100% identical to that approved, significant gains to Biodiversity would result and all domestic goods would be hidden from landscape views. Any rational outside person would say 'take the win' -I hope members can see the benefits to the countryside and the County of 'taking the win'.

PLANNING CONSIDERATION AND ASSESSMENT

60. As set out above Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO) grants planning permission for the conversion of agricultural buildings to dwellings and building operations reasonably necessary to convert the building. This is subject to complying with specific criteria and limitations set within the class, relating to the extent and nature of works. The provisions also require the submission of an application to establish whether prior approval is required for specific matters of consideration.
61. These provisions are known as permitted development rights and have been established by the government to enable the conversions of certain agricultural buildings without the need for full planning permission. The provisions under the GDPO differ from the consideration of suitable buildings for conversion under planning policy at a national and a local level when full planning permission is required, where a higher bar of suitability is required.
62. The GDPO does not grant planning permission for works that fall beyond the specific provisions and limitations set out in the GDPO must be followed. Guidance is provided by the government setting out what works are permitted while there is extensive case law on the matter. Therefore, any development beyond these provisions would be unlawful, requiring full planning permission.
63. In this respect, in accordance with the provisions in the GDPO, an application for prior approval for the conversion of the building in question, and specified building operation was submitted by the appellants planning agent in 2020 and was approved under application DM/20/03733/PNC. This followed on following the granting of a previous application for prior approval in 2019, the granting of full planning permission of access and also the refusal of a prior approval and subsequent dismissal of appeal in 2017 and refusal of a prior notification in 2016.
64. Following the granting of the most recent prior approval appellation work commenced on the development. However, it was brought to the Authority's attention that this included the excavation under the building to create a lower ground floor, to provide a garage and storage area. Further to this, additional

steel supports have been installed to reinforce the metal framework of the building itself. Consequently, the building has no connection to the ground other than these steel supports. New foundations and walls to the ground and first floors would be required to facilitate the development.

65. Government guidance makes it clear that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to be able to utilise permitted development rights. Furthermore, the excavation and installation of foundations are not included in the list of permitted operations set out in the GDPO to facilitate the use.
66. Overall, in this instance the extent of the works undertaken are considered to go beyond what could be reasonably considered to be reasonably necessary for the conversion of an existing building. It is also considered that the excavation and subsequently required building operations once complete would result in a substantial/complete rebuild. Full planning permission is therefore required for the development undertaken/proposed.
67. Regard is therefore required to be given to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received. In this instance, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability, landscape and visual impacts, highway issues, residential amenity, flooding and drainage, ecology, ground conditions, and sustainability.

Principle of Development

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 and is therefore considered up to date.
69. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

70. Policy 1 of the County Durham Plan (CDP) sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The site is not allocated for housing by Policy 4 of the CDP and has not been previously assessed under the SHLAA.
71. The application site is located outside the settlements of Brancepeth to the north east and Oakenshaw to the south west and so lies within the open countryside. Therefore, CDP Policy 10 is relevant which states that development in the countryside will not be permitted unless allowed for by one or more listed exceptions or other specific policies in the Plan. Exception h) relates to the development of existing buildings and permits development that is necessary to support the change of use of an existing building or structure which:
1. already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations;
 2. results in an enhancement of the building's immediate setting;
 3. does not result in the unjustified loss of a community service or facility; and
 4. in the case of a heritage asset, represents the optimal viable use of that asset consistent with their conservation.
72. The building is not a community service or facility, nor a heritage asset, and has a purely functional and utilitarian appearance; in its previous form had the external walls consisting of concrete blockwork and timber cladding and the roof of metal sheeting. Therefore, it is considered that the building did and does not make a positive contribution to the character and appearance of the area and is therefore not worthy of retention if no longer required for agricultural purposes. Furthermore, as set out above substantial demolition and rebuilding to facilitate the conversion of the building to a dwelling has been undertaken and would clearly be required to complete the development. Therefore, the proposal would not be permitted by exception h) of Policy 10.
73. As highlighted above, work has been undertaken to enable excavation under the building to create a lower ground floor, and additional steel supports have been installed to reinforce the enlarged metal framework of the building itself. Consequently, the building has no connection to the ground other than these steel supports. The lower ground floor level is proposed to comprise a garage and storage area of which the floor has been constructed with the concrete blocks that previously formed the walls of the building. New walls to the ground and first floors would be required. The applicant has confirmed in a meeting on site that a retaining wall is proposed to provide structural support to the highway embankment, although no details of this have been submitted with the application.

74. The application is supported by a brief statement from a chartered and civil structural engineer, in which they conclude that the strengthened structure in its current form is suitable for use without further significant modification. However, this does not seem to take into account that the building has already been substantially modified through the excavation works and additional steel supports. It is unclear exactly what works have taken place to result in the building being in its current position on steel supports and the application does not identify the level of intervention or rebuilding that would be required for its conversion to a three storey dwelling. Due to the extent of the works, it is considered that the remaining structure could now not be converted and a substantially new building would be formed.
75. It is concluded that, the building in its previous or current form does not already make a positive contribution to the character and appearance of the area and it is clear that complete or substantial rebuilding is required to convert the building to a dwelling, contrary to the requirements of exception h) of Policy 10.
76. None of the other exceptions listed by Policy 10 are relevant to this proposal, and there are no other policies within the CDP that would permit the conversion of an existing building in the countryside to a dwelling.
77. NPPF Paragraph 80 advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more listed circumstances apply. Of these circumstances, the only potentially relevant circumstance is listed under c) relating to the re-use of redundant or disused buildings which would enhance its immediate setting. However, in this instance given the engineering operations that have already taken place to create a basement garage, the building could not be converted into a dwelling without substantial or complete rebuilding and so is not considered to consist of the re-use of a redundant building but instead the forming of a new building. The proposal is considered contrary to NPPF Paragraph 80.
78. In summary, the site occupies an isolated position within the open countryside, the existing structure, or previous building does not already make a positive contribution to the character and appearance of the area, and the structure could not be converted into a dwelling without substantial or complete rebuilding. Therefore, the proposal is in conflict with CDP Policy 10 and NPPF Paragraph 80 and is considered to be unacceptable in principle.

Locational Sustainability

79. Criterion p) of CDP Policy 10 states that development in the countryside should not be solely reliant upon unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
80. This is in line with NPPF Paragraph 110 which advises that when determining planning applications it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of

development and its location. Paragraph 105 also seeks to focus development at locations that can limit the need to travel and offer a genuine choice of transport modes, whilst acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

81. The application site lies within the open countryside. The road linking the site to Brancepeth (Stockley Lane) has no footpaths or street lighting which would make walking to and from the site unattractive and potentially dangerous all year round. The A690 road linking to Willington has footpaths but with no street lighting, so it would present similar issues in that walking would be unattractive during winter months and late on an evening during other times of the year when the paths are unlit, and again there is no footpath connecting the site to the A690. In addition, the northbound bus stop sits on the western side of the A690 and there is no footpath to this side of the road. The Brandon to Bishop Auckland Railway Path (BARP) lies 200m to the west of the site and connects to Willington. The path is accessed from Stockley Lane, however there is no footpath along this 200m stretch of road, which has a national speed limit of 60mph, to provide a safe and attractive walking route to access this path. The BARP is also unlit which would discourage use during the winter months and during late evenings.
82. The closest services to the site are in Willington, with the industrial estate being 2.9km away, and with the Willington C of E Primary School, the Willington Medical group, and the edge of the local centre as defined by CDP Policy 9, all being approximately 3.6km away when accessed via the BARP. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'. In addition to the lack of lit footpaths connecting the site to services, the closest services lie far beyond the upper end of what could be considered a reasonable walking distance. Consequently, the proposal would be largely car dependent.
83. In terms of available bus services, the site is within 400m of a bus stop (the closest is located on the A690). There is currently no footpath connecting the site to these stops and so the application proposes the construction of a footpath. The applicant has not specified the proposed surface material or lighting at this stage and has suggested these details could be secure via a suitably worded condition, with the lighting to come forward suggested to consist of low level LED lighting. However, there are only 2 services available there (X46 and X6) with the X6 only having a limited frequency. The X46 connects Stanhope to Durham City via several other local settlements and runs at relatively frequent intervals from 6:20am to 11:10pm: every 20/25 minutes from 6:20am to 6:11pm and then hourly until 11:10pm Monday to Friday, with a later 7:41am start on Saturdays and an hourly service from 9:10am to 11:10pm on Sundays. However, that there is only one regular bus service available to the future occupants running on weekdays (with infrequent services

on Saturdays and none on Sundays) is not considered to amount to a genuine choice of transport modes. Overall, the remoteness of the site and lack of continuous lit footpaths would discourage future occupiers from walking and cycling and consequently this proposal would be largely car dependent.

84. NPPF Paragraph 79 also advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements development in one village may support services in a village nearby. The two closest settlements of Brancepeth and Oakenshaw between them have facilities amounting to one café (located at Brancepeth Castle), with them scoring a low 9.9 and 3.9 respectively in the Council's 2019 Settlement Study. Willington scores 118.7 reflecting its larger size and wider range of services and facilities available. Given the size of this settlement, and the proximity of neighbouring settlements of Oakenshaw, Sunny Brow and Helmington Row which do not have services and facilities of their own, the addition of one dwelling at the application site is not considered to make a material difference to the services in nearby villages.
85. NPPF Paragraph 80 advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more listed circumstances apply. Of these circumstances, the only potentially relevant circumstance is listed under c) relating to the re-use of redundant or disused buildings which would enhance its immediate setting. However, in this instance given the engineering operations that have already taken place to create a basement garage the proposal, the building could not be converted into a dwelling without substantial or complete rebuilding and so is not considered to consist of the re-use a redundant building but instead the forming of a brand new building.
86. Overall, the site is considered to constitute an unsustainable location with the future occupants being reliant upon the private car for access to everyday services, education and employment opportunities, contrary to CDP Policy 10 p) and NPPF Paragraph 110.

Landscaping and Visual Impact

87. The application site lies within an Area of Higher Landscape Value (AHLV). Criterion l) of Policy 10 requires that new development in the countryside should not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
88. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. CDP Policy 29 requires all development to make a positive contribution to the character of the area. CDP Policy 40 seeks to

avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.

89. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
90. Works have ceased on site following an investigation by the planning enforcement team and so the site currently has an untidy appearance with a shipping container, tipping vehicle, materials and earth mounds all visible. However, if the works were to be completed the converted building would have a similar appearance to that granted prior approval under DM/20/03733/PNC, where the design and external appearance of the building was a consideration. The basement garage would be underground and so would not be visible. The ground source heat pumps and package treatment plant have already been installed and covered with earth. The new track connecting the access point to the site would not be considered to adversely affect the special qualities of the AHLV and the parking areas are proposed to be to the south of the building where they would be screened from Stockley Lane.
91. The submitted Planning Statement states that the applicant is part way through a program of hedge restoration and reinstatement, with gaps and missing stretches of hedging being replaced by a double staggered layer of new hedging plants. Additional tree planting is also proposed on and around the application site. The submitted Planning Statement also confirms that all excess earth from the ponds, basement garage, and ground source heat pumps has been spread along the southern edge of the site to infill a number of dips, which has been re-seeded with grass. The agent has stated that the land to the south of the site has been raised by approximately 200mm to accommodate the additional soil excavated from the site. Topographical plans have been provided to support this. Conditions could be imposed to secure details of a landscaping scheme and the method of tree protection.
92. In terms of the proposed footpath, there is existing roadside vegetation along approximately 60m of the western boundary of the site that would be parallel to the new footpath, the position of which is not indicated on the proposed site plan. A condition could be imposed to secure details of a Tree Protection Plan to ensure the retention of this vegetation.
93. Therefore, the proposal is considered to conserve the special qualities of the AHLV according with CDP Policy 39.

Highway Issues

94. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle

and car parking provision. In addition, criterion q) of Policy 10 states that development in the countryside must not be prejudicial to highway.

95. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
96. The site would be accessed by the access approved under approval DM/17/01924/FPA. A new track leading from this access point to the building has been partially constructed but this lies outside the red line shown on the approved Location Plan and so planning permission is required for this. Highways Officers have raised no objections to the proposals and the access and track are considered to be safe and suitable for all users. In addition, the dwelling would contain three bedrooms and would be served by a sufficient amount of in-curtilage car parking spaces. A condition could be imposed to secure details of an EV charging point.
97. Therefore, the proposal would not adversely affect highway safety, according with CDP Policy 10 q) and 21 and Part 9 of the NPPF.

Residential Amenity

98. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
99. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
100. In addition, CDP Policy 29 requires all development to provide high standards of amenity and privacy, and criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
101. The closest dwelling to the site is Stockley Lodge 130m to the west and given this distance away the occupants are unlikely to have their amenity adversely affected by the proposed development. The proposed dwelling would be situated within close proximity to a road. The Environmental Health Officer previously advised that a condition should be attached requiring noise mitigation measures to be incorporated into the development to ensure compliance with specified thresholds in different parts of the dwelling and curtilage. This condition could be imposed on this application. Therefore, the noise impacts of the development would be acceptable in accordance with CDP Policy 29 and 31 and Parts 12 and 15 of the NPPF.

102. In addition, CDP Policy 29 requires that all residential development complies with the Nationally Described Space Standards (NDSS). The proposal would comply with NDSS.

Drainage

103. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
104. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
105. Criterion s) of Policy 10 expects development in the countryside to minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
106. The submitted application form states that surface water will be disposed of into an existing watercourse, with foul sewage to be disposed of via a newly installed package treatment plant discharging to the watercourse. Three ponds are also proposed to be created as recommended by the submitted ecology reports, which would provide a degree of attenuation for surface water runoff. Overall, this is considered to be in accordance with the hierarchies advocated by CDP Policy 35 and 36.
107. The submitted Planning Statement states that the Northumbrian Water main has been diverted around the barn and is now unaffected by any of the development proposals. Northumbrian Water have been consulted and have not provided any comments.
108. Overall, the proposal is considered to accord with CDP Policy 35 and 36 and Part 14 of the NPPF.

Ecology

109. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks.
110. The application proposes to create three ponds, to plant new hedgerows along site boundaries, and to re-seed grass around the ponds and above the ground

source heat pumps and package sewage treatment plant, in order to provide biodiversity enhancements. The County Ecologist has reviewed the submitted information and raised no objections subject to conditions being imposed requiring adherence to the Recommendations detailed in Section 5.2 of the PEA report, and the submission of a detailed habitat creation, management and monitoring plan for the proposed habitats as detailed in the Defra metric prior to the commencement of works.

111. The proposals are considered to comply with CDP Policy 41 and NPPF Paragraph 180 d).

Ground Conditions

112. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
113. The Council's Environmental Health Officer has confirmed that no contaminated land reports are required to support the application and suggests an informative regarding unforeseen contamination.
114. Overall, the proposal is considered to accord with CDP Policy 32 and NPPF Paragraph 183.

Sustainability

115. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
116. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
117. The submitted Planning Statement states that 2,400m of underground pipes have been installed which the applicant has calculated would be able to heat the barn without the need for any fossil fuels; and that old concrete blocks and floor slabs have been crushed, graded and turned into new construction materials to form the new base to the sub-basement floor. This is considered sufficient to comply with criterion c) and d).

Other Matters

118. CDP Policy 28 relates to safeguarded areas and states that proposed development within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would not prejudice current or future public safety.
119. The proposed development is within the Consultation Distance of a major hazard pipeline and so the Health and Safety Executive is a statutory consultee on this application. They have been consulted and advised that the pipeline operator should be contacted prior to the determination of the application. Accordingly, National Grid have been consulted and they have advised that the site lies outside the High Risk zone from National Grid Gas Transmission plc's apparatus and so can proceed.

CONCLUSION

120. The development previously benefited from permitted development rights which granted planning permission for the conversion to a dwelling along with limited building works reasonably necessary to convert the building. The applicant has significantly departed from the limitations and provisions set out the General Permitted Development Order by undertaking substantial engineering and building work which has and would amount to a rebuild, not a technical breach.
121. Planning permission is therefore required for the development and regard is required to be given to the County Durham Plan and other material planning considerations, including the NPPF. These policies set a substantially higher bar of acceptability for the conversion of buildings in the countryside and could be untaken by permitted development rights.
122. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
123. The application seeks retrospective planning permission for the conversion of a building in an isolated position within the countryside to a dwelling. It is concluded that the former building and resulting structure cannot be converted to a dwelling without substantial or complete rebuilding, essentially amounting to the forming of a brand new building. The previous building and resulting structure also does not already make a positive contribution to its surroundings. Therefore, the proposal conflicts with CDP Policy 10 and NPPF Paragraph 80.
124. In addition, the site occupies a remote location with the future occupants likely to be reliant upon the private car for access to everyday services, education and employment opportunities, contrary to CDP Policy 10 p) and NPPF Paragraph 110, the benefits or the reuse of the building would not outweigh this harm and policy conflict

125. Overall, whilst recognising the potential benefits of increasing housing supply in the County and the boost to the local economy during the construction phase it is concluded that these benefits would not outweigh the identified conflict with the CDP and NPPF. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

RECOMMENDATION

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

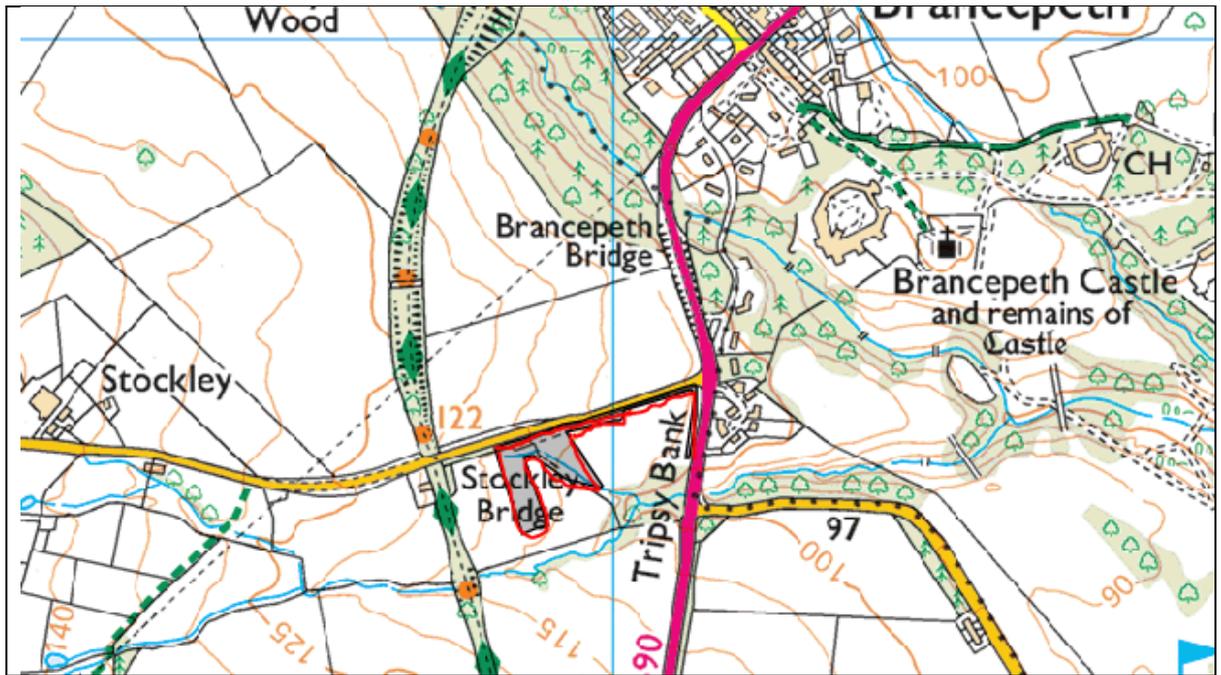
1. The building is not considered suitable for conversion as it does not already make a positive contribution to the character and appearance of the area and would not result in an enhancement of the buildings immediate setting. A substantial or complete rebuild would also be required resulting in the formation of an isolated new dwelling in the countryside. The proposal is therefore considered contrary to Policy 10 of the County Durham Plan and Paragraph 80 of the NPPF. Given the remote location of the development residents and users would be solely reliant on private car journeys to access the site, local services and facilities, in conflict with Policies 10 and 21 of the County Durham Plan and Part 9 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Resubmission of DM/22/00885/FPA for the conversion of lambing shed to single dwelling and engineering works to create lower ground floor, new access road, install ground source heat pumps and klargester package sewage treatment plant, create 3 ponds and construct new footpath (part retrospective)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 14th September</p>	

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01634/OUT
FULL APPLICATION DESCRIPTION:	Residential development of up to 20no. dwellings (Outline – all matters reserved except access)
NAME OF APPLICANT:	Mandale Homes
ADDRESS:	Land south of Eve Lane, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O’Sullivan, Senior Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the east of Spennymoor, located adjacent the to the Durham Gate Development. The site comprises a narrow agricultural field measuring 0.78Ha in area, located between housing development on Eve Lane/Hay Lane to the north and the A688 road to the south. The site is bound by existing mature trees and hedgerow, with a small paddock to the east. To the west is a short stretch of unclassified road linking the A688 with Green Lane/Eve Lane.

The Proposal

2. Outline planning permission was refused by the Planning Committee in December 2021 for the erection of 20no. dwellings with associated SUDS, landscaping and access infrastructure (planning ref: DM/21/02619/OUT). The subsequent appeal was dismissed by the Planning Inspectorate in June 2022, although confirming that the site was acceptable for residential development. Soon after this decision, the applicant resubmitted an identical scheme to the Local Planning Authority for reconsideration.
3. This resubmitted application seeks outline permission (all matters reserved except access) for the erection of up to 20no. dwellings on the site. The dwellings would be predominately constructed for market sale, with 15% of the total offered on an affordable basis (details to be agreed). Site access would be taken from a new vehicular access point off Eve Lane to the north of the site. Details of layout, scale, appearance and landscaping are to be confirmed through reserved matters, although an indicative layout plan is submitted detailing how a maximum 20no. dwellings could be arranged on the site, alongside a SuDS area.

4. The planning application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

5. The application site falls outside of the Durham Gate Masterplan area to the north. The current application is a resubmission of recently refused outline application ref: DM/21/02619/OUT for up to 20no. dwellings (December 2021). The application was refused for the following reason:-
6. *The Local Planning Authority considers that the proposal would not be appropriate in respect of its scale and form and would not contribute positively to the area's character and townscape. It would also fail to provide for an appropriate level of mitigatory structural landscaping, creating an unattractive settlement edge that would result in localised harm to the character of the landscape. The proposals would be contrary to the provisions of Part 12 of the NPPF and Policies 6, 29, 39 and 40 of the County Durham Plan.*
7. A subsequent appeal to this decision was later dismissed by PINS on 01 June 2022 (Appeal ref: APP/X1355/W/22/3292599). The reasons principally related to the application being deficient in respect of making appropriate provision for affordable housing and green infrastructure contributions. However the Planning Inspector concluded that the proposed location of the development represented a logical site for housing infilling an existing gap, and it would not harm the character and appearance of the area.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
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 Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance

Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

19. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. *Policy 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)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
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 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
27. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document (SPD), to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.
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. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
30. *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.
31. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate

locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

32. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
33. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
34. *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.
35. *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.
36. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Spennymoor Town Council* – No comments received.
38. *Highway Authority* – Advise that the principle of access from Eve Lane to the proposed development, as shown on the 'Illustrative Site Plan' drg. no. 18/001 C is considered to be acceptable for the purposes of the outline application. Further engineering details of the should be agreed by condition, while consideration of the highway layout and parking provision agreed at reserved matters stage.
39. *NWL* – No comments received.

40. *The Coal Authority* – No objections, subject to suggested conditions.

INTERNAL CONSULTEE RESPONSES:

41. *Spatial Policy* – Advise that the proposal should be assessed primarily against Policy 6 of the CDP. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters.
42. *Ecology* – Raise no objections subject to conditioning the mitigation and enhancements included in the submitted ecology reports, including the retention of vegetation and provision of bat and bird boxes.
43. *EHO Contaminated Land* – The application site is located in a coalfield high risk development area and a Phase 2 is required. Given this and the fact that the development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply to any permission granted.
44. *EHO Environmental Health (Noise)* – No objections, subject to a suitable acoustic design scheme to be provided at reserved matters to achieve minimum noise levels set out in the noise survey.
45. *Landscape* – Advise that a revised site layout will be required to achieve an appropriate landscape buffer to the southern boundary, this may impact the quantity of units that the site could support to provide an optimal and balanced development.
46. *Trees* – Advise that the submitted proposal would result in the retention of all existing individual trees, with the measures proposed having low impact. There is the likelihood of some minor encroachment by a proposed parking area, to the east of the site, into the Root Protection Areas, consideration should be given to the utilisation of special construction measures inside the RPA at this location. There will be a loss of approximately 13m of hedgerow in the north west corner of the site.
47. *Affordable Housing* – Further discussions are needed between DCC and the developer to discuss the provision of the First Homes product on the site. This will include the eligibility of applicants, the location of the units on site as well as application process and unit costs to ensure that these units are meeting the identified needs of the local community.
48. *Education* – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development, it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
49. *Drainage* – The proposals set out in the Flood Risk Assessment and Outline Drainage Strategy Report are considered acceptable in principle, subject to review at reserved matters stage, controlled by condition.
50. *Archaeology* – Raise no objections, it is advised nearby archaeological investigations have found low significance remains, and this combined with the small scale of the development indicates that the proposals are unlikely to have a significant impact on undisturbed remains.
51. *Design* – In line with Policy 29 of the CDP, any detailed scheme should provide outward-facing development, a strong landscape buffer to the settlement edge, and

well-defined streets and spaces that are not dominated by parked cars. In addition, development should be of locally inspired or otherwise distinctive design, taking reference from the positive characteristics of the settlement. Further revisions are likely to be required at the reserved matters stage.

NON-STATUTORY RESPONSES:

52. *NHS* – The NHS advise that based on the number of units proposed, there would be no requirement for NHS contributions to be secured by S106 monies in this case.

PUBLIC RESPONSES:

53. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. 4no. letters of objection were received in response to this exercise, with a summary of the key areas of concern as follows:

- Development of the site would result in increased pressure on already busy estate roads which are used as a rat run for all types of vehicles, avoiding Thinford roundabout. Increased traffic will bring about increased pollution (noise and odour), road safety issues and health impacts to local residents.
- Request that the area is designated a 'low traffic neighbourhood'.
- The proposed access point serving the development would be unsafe, located too close to a busy mini roundabout and neighbouring property;
- Questions over the reliability of the applicants transport statement with regard frequency and accuracy of bus services;
- Impact on local wildlife/ecology through destruction of natural habitats;

APPLICANTS STATEMENT:

54. In accordance with the Planning Inspectors previous decision the development of this site is clearly acceptable in principle and is in accordance with Policy 6 of the adopted Local Plan. At this stage detailed consent is only the access, this has also previously been found to be acceptable. The scheme remains illustrative and we look forward to working with DCC to deliver a scheme that is acceptable in relation to the layout and appearance at Reserved Matters stage. A revised Section 106 has been issued to address the reason for the dismissal of the previous appeal and firmly support the officers revised recommendation.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, deliverability/achievability, urban/landscape impact, privacy/amenity, highways, ecology, land stability, flooding/drainage and planning obligations.

The Principle of the Development

56. The current submission follows from an earlier planning application (DM/21/02619/OUT) which was refused planning permission on 16 December 2021

and subsequently appealed by the applicant (APP/X1355/W/22/3292599). In dismissing the appeal, the Planning Inspector identified that the main issues with the proposal were (i) the effect of the proposed development on the character and appearance of the area and (ii) whether or not appropriate provision is made for the provision of Open Space and Affordable Housing.

57. The appeal was dismissed on 1 June 2022, for reasons principally related to the application being deficient in respect of making appropriate provision for affordable housing and green infrastructure contributions. The Planning Inspector however concluded that the proposed location represented a logical site for housing, infilling an existing gap, and in respect to the outline nature of the submission a suitable scheme could be progressed, subject to a revised layout it was accepted that this may not harm the character and appearance of the area.
58. The current application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
59. The NPPF seeks to significantly boost the supply of housing, as well as using land that is physically well related to existing settlements. Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes, with particular emphasis on previously developed/brownfield development and underutilised land/buildings. Part 5 (Delivering a sufficient supply of homes) clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed.
60. Policy 19 of the CDP seeks to ensure that on all new housing developments, the Council will 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.
61. This application site comprises undeveloped greenfield land located at the edge of the Spennymoor settlement. The site is not allocated for housing within Policy 4 of the County Durham Plan (CDP) and has not been previously considered within the Councils SHLAA. Development of housing on unallocated sites should be assessed and determined against CDP Policy 6 which sets out the following criteria:
62. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
63. The site is considered to be outside of the built up area of Spennymoor but is considered well related to it for the purposes of Policy 6. Regarding criteria e) and f), the site is located adjacent to the existing settlement and would benefit from good access by sustainable modes of transport to relevant services and facilities. Details of access are to be considered as part of the current submission.
64. The findings of the recent appeal decision are material in applying Policy 6, and it is recognised that the principle of developing this site was found to be acceptable by the appointed Planning Inspector. Notwithstanding those findings, it is considered that bringing the built form of development closer to the bypass would result in the erosion of the open field aspect which provides a rural setting to this part of the settlement. The proximity of the new buildings to the A688 would also require careful consideration in the context of Policy 31 (Amenity and Pollution) with robust structural landscaping likely to be necessary to mitigate noise from the passing traffic.
65. The above considerations together with the other material planning considerations raised below would be relevant in determining the acceptability of the current proposals.

Deliverability/achievability

66. Paragraph 74 of the NPPF maintains the requirement for LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
67. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

68. The Government published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding DCC housing targets.
69. The LPA previously argued that given the speculative, outline nature of the initial application, and other housing commitments within the settlement still to be built out, there remains no clear evidence that there is a realistic prospect that housing completions will begin on site within 5 years.
70. Furthermore, there was no written agreement/contract between the land owner and a house builder. This was concluded based on the information made available to the LPA at the time. Since then the applicant has confirmed in writing that a contract does exist between the site owner and a perspective developer.
71. Notwithstanding the above, the deliverability argument did not form a reason for refusal of the original planning submission for this site. This remains the case in respect of the current application. Nevertheless there are still queries over the viability and attractiveness of the site in a challenging housing market area given the high level of existing housing commitments across Spennymoor, the perceived high costs of the proposed development arising from site remediation requirements in relation to previous coal mining activity, and those associated with the on-site open space provision, biodiversity mitigation requirements and extensive SUDS works.
72. In the absence of any clear evidence to suggest otherwise, and the site would not make any meaningful contribution to boosting the supply of homes, it is considered that limited weight should therefore be afforded to this matter in the planning balance.

Urban form

73. CDP Policy 6 requires new development to be appropriate in respect of scale, design, layout and location to the character, form and setting of the development. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
74. The application is outline in nature with details of scale and design to be considered through reserved matters. Notwithstanding this, an indicative layout is provided to demonstrate how a scheme of maximum 20no. units could be accommodated onto the site.
75. A pre-application enquiry in 2020 for 26no. dwellings at the site was not considered favourably by the LPA with concerns raised over the high density, urban development form which would impact on the landscape wedge at the edge of the settlement, and the proposed layout of the site which failed to positively address Eve Lane to the north.
76. The subsequent outline application for a reduced 20no. units submitted in December 2021 was refused by the LPA, with concerns raised regarding the proposed layout and that the relationship to Eve Lane had not been satisfactorily addressed. The initial

indicative layout resulted in a largely inward-looking development dominated by highway and parking. The revisions to provide 20no. units did not address these previous concerns. Although outline in nature, the LPA considered that a reworking of the indicated layout would be required to achieve a high quality development.

77. The subsequent PINS appeal letter touched further upon this matter. Paragraph 11 of the decision explained how the housing shown on the illustrative plan appeared very compact, more so than the adjacent new housing estate, such that it appears that the appellant has sought to maximise the amount of housing on the site rather than creating an optimal and balanced development. In this regard the Inspector concluded that the illustrative layout does not demonstrate good design. Nonetheless it was accepted that the layout is only illustrative and matters relating to appearance, landscaping, layout and scale are reserved for future consideration through reserved matter but an appropriate scheme could be progressed.
78. In respect of the current submission, the same (indicative) scheme is presented, and therefore the Inspectors conclusions remain relevant. In terms of consistency, officers again consider that the indicative site layout would not represent good design due to the proposed layout and relationships with surrounding developments and highways.
79. However, it is accepted, in light of the inspectors' findings, that a residential development is considered acceptable on this site and that matters relating to design and layout can be considered through a subsequent reserved matters application. As previously suggested, in line with Policy 29 of the CDP, any detailed scheme should provide outward-facing development, a strong landscape buffer to the settlement edge, and well-defined streets and spaces that are not dominated by parked cars. In addition, development should be of locally inspired or otherwise distinctive design, taking reference from the positive characteristics of the settlement. Even with these this constraints it is considered that up to 20 dwellings may be achievable based on a revised layout and incorporating smaller properties.

Landscape impact

80. CDP Policy 39 requires new development to be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
81. CDP Policy 40 concerns trees and hedgerows. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
82. Proposals for new development are be expected to retain existing trees where they can make a positive contribution to the locality, or to the development, maintain adequate stand-off distances between them and new land-uses, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.

83. Regarding hedgerow, the policy sets out proposals for new development sets out that the loss of hedges of high landscape, heritage, amenity or biodiversity value will not be permitted, unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
84. As previously indicated, the application site forms part of a narrow tract of open farmland between the built edge of Spennymoor and the A688 to the south. It is bounded by mature hedges and mature trees. Although the site is not covered by any national or local landscape designations, it is visible at close quarters from Eve Lane and properties adjacent to the north, and from the A688 to the south. It is also visible at greater distance to the south from a range of receptors on higher ground on the escarpment – from where it is seen against buildings along the settlement edge.
85. Landscape officers remain of the view that whilst layout plans are indicative only, it is likely that perimeter vegetation could be largely retained other than localised removal of hedgerow and trees at the site entrance. Notwithstanding this, the effects on the character of the site itself would be transformative. The site is not part of a landscape of high sensitivity but is in a prominent location at the entrance to the settlement.
86. In line with comments raised by design officers and the Planning Inspector, regarding the indicative level of housing on the site, previous landscape advice explained how in the event of approval, the applicant would need to produce a more robust and comprehensive landscape scheme, including the enhancement of the southern site boundary adjacent to the A688. This advice is maintained with respect the current submission.
87. Unfortunately, the illustrative layout plan provides minimal garden lengths between dwellings and the southern site boundary which would unlikely allow adequate space for the existing landscaped boundary to be enhanced. A revised site layout to address this matter would need to be brought forward for consideration through any future reserved matters application.
88. As per the previous submission for the site, the application includes a detailed Arboricultural Impact Assessment which is considered by officers to be comprehensive and acceptable. The submitted proposal would result in the retention of all existing individual trees, with the measures proposed having a low impact. There remains some minor encroachment by a proposed parking area, into the Root Protection Area of a group of trees to the east of the site. To the north-west corner of the site, approximately 13m of hedgerow would be lost to facilitate development. In accordance with Policy 40, the loss of hedgerow could be mitigated by a robust planting plan within the estate.
89. Whilst it is accepted that all of the identified issues may be addressed through a sensitively designed reserved matters scheme, this would require a revised site layout as the current indicative layout is deemed unacceptable. This new layout must achieve an appropriate and an enhanced landscape boundary to the A689 boundary, which would require a re plan of the site. As matters stand there is potential for the site to be developed in compliance with the requirements of CDP Policies 6, 29 and 39, albeit precise details would need to be addressed at reserved matters.

90. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
91. Outline consent is sought, with details of layout, scale and design reserved. The proposed site plan is indicative only, albeit demonstrates how a maximum of 20no. units could be arranged within the site, facing north towards the shared access road, parking areas and green space/SuDS area. Given the linear arrangement shown, all dwellings would achieve satisfactory separation from one another in excess of the minimum requirements set out within the residential amenity standards SPD 2020. Furthermore, all dwellings would benefit from reasonably scaled private rear gardens, with off street parking to the frontages. Details of enclosures are not specified at this stage.
92. NDSS standards would be confirmed at reserved matters only once precise house types and sizes are known.
93. EHO's have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). A Noise Risk Assessment has been submitted, which identifies road traffic noise from the A688 as being the dominant noise source. The report advises with appropriate mitigation measures and condition the site may be considered suitable for residential development.
94. A number of suggestions are made by the EHO relating to glazing and ventilation which would be controlled at reserved matters. As previously explained, concerns are raised over the indicative layout presented and any future layout presented through reserved matters would be subject to scrutiny in terms of the placement of amenity spaces away from nearby noise sources, or at the very least behind a suitable noise barrier.
95. In summary, whilst it is considered that the site is capable of accommodating residential development in principle, the finer details relating to the position of dwellings would be confirmed through reserved matters, in conjunction with the findings of the noise survey. Notwithstanding the above, the outline application is considered to satisfy the provision of CDP Policy 31.

Highways

96. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

97. As previous the applicant has submitted an Illustrative Site Plan which details the creation of a new access onto Eve Lane for up to 20no. dwellings, located approximately 40m east of the Green Lane roundabout. The principle of such an access from Eve Lane is considered to be acceptable for the purposes of the outline application where details of access are sought for approval.
98. Notwithstanding the above, a small number of issues are raised regarding the proposed internal layout of the estate road, which could be addressed through subsequent reserved matters, once the internal site layout is confirmed. Specifically the proposed estate road width should be increased to 5.5m as the Council no longer accepts lesser widths for new developments. The junction radii are correctly shown as 10m and visibility splays are acceptable.
99. The first centre line radius of the estate road is too tight and will lead to vehicles both mounting the kerb (on the inside of the radius) and driving on the wrong side of the road which is not acceptable particularly as it is located so close to the entrance to the site. This issue is raised as it is likely to affect the position of the access when redesigning the estate road.
100. Footway links are shown on the submitted drawings and this detail is welcomed. The footways on and from Eve Lane should utilise the same materials as used on Eve Lane and then can transition to bitmac construction within the site at the rear of the bellmouth junction. These works should be facilitated by a Section 278 Agreement.
101. Whilst not part of the outline application, the parking quantum is commented on in the submitted 'Planning, Design and Access Statement'. The Illustrative Site Plan shows each property being served by 2 parking spaces with an additional 6 non-allocated visitor parking bays which is an acceptable level of parking provision.
102. For the purposes of the outline application, no highways objections are raised over the access details provided, with proposals to satisfy the provisions of Part 9 of the NPPF and CDP Policy 21. It is considered that the site can accommodate an acceptable access and parking provision with the details of the internal estate road and parking provision to be provided at reserved matters, once a detailed site layout has been confirmed.

Ecology

103. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and ensure that measurable gains in biodiversity are achieved. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
104. The current application is supported by an updated Ecological Impact Assessment report which assesses the habitats on site, and risk of presence of protected species. Ecology officers have viewed the supporting documents and raise no objections to the proposals subject to the conditioning of the habitat creation and mitigation detailed in Section 4 and 5 of the report, this includes the retention of key vegetation and the provision of bat and bird boxes. Subject to the above, outline proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 41.

Land stability

105. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP seeks to resist development where the developer is unable to demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
106. The Council's EHO officer has assessed the available information and historical maps with respect to land contamination and is satisfied with the conclusions of the report. Therefore, as the site is located in a coalfield high risk development area a phase 2 investigation is required detailing any mitigation that may be necessary. A conditional approach to this is recommended.
107. As regards Coal mining legacy, the application site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the application. Coal Authority records indicate that the site lies within an area of probable shallow coal mining and a coal seam. If shallow coal workings have taken place beneath the site, this could affect the safety and stability of the proposed development.
108. The aforementioned Phase 1: Desk Study Report informs the extent of remedial/mitigation measures that would be required to ensure the safety and stability of the proposed development in accordance with NPPF paragraphs 183 and 184. No objections are raised from the Coal Authority subject to the imposition of a condition ensuring appropriate intrusive site investigation and gas monitoring works are undertaken prior to the commencement of development, and appropriate mitigation detailed as necessary.
109. Subject to the above, there are no land contamination or coal mining legacy objections raised, and proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

Flooding and Drainage

110. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, whilst ensuring that new development does not give rise to increased flood risk elsewhere. CDP policies 35 and 36 concern water management. All development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA)

where appropriate. For major developments, the management of water must be an intrinsic part of the overall development, and there must be no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed (as would be the case here), the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates. Meanwhile, on previously developed land, as close as practicable to a greenfield rate must be achieved.

111. The application is not located within a known flood risk area, with indicative layout plans detailing a SuDS area to be created to the north of the development, within the wider site boundary.
112. The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy Report which are deemed to be acceptable in principle for the purposes of an outline application. Details relating to surface water discharge and basin design would need to be confirmed through reserved matters. To this extent, outline proposals would satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36. Although questions are raised over whether highway drainage could pass through the swale, such matters would also be agreed at reserved matters by condition when precise site layout details are confirmed and a detailed drainage strategy produced.

Planning obligations

113. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development

Affordable Housing

114. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes provided to be made available for affordable home ownership. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The quantum of affordable housing required is set out in Policy 15 of the CDP, which based on viability evidence confirms that 15% is appropriate within this part of the County (which is regarded as a medium value area).
115. In medium value areas, on sites of 10no. or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
116. The views of the affordable housing section have been sought who advise that affordable housing is required in multiple sizes and tenures and a 'one size fits all' approach should be avoided with a range of affordable options considered. The housing market for this area has a clear need for a mix of 2 and 3 bed units in all affordable tenures which should meet NDSS as a minimum. The applicant has not provided an affordable housing statement as part of the application, although it is accepted that proposals are currently outline in nature. Subject to the above, the proposals would meet the affordable needs of the area. Further clarification detailing the number, type and location of affordable houses that will be delivered as affordable housing must be confirmed through subsequent reserved matters, only once the precise number of units proposed is known.

117. For the purposes of the outline application, in accordance with Paragraph 64 of the NPPF and CDP Policy 15, the applicant has agreed to the provision of the necessary affordable housing numbers and tenures through a planning obligation. The entering into a S106 agreement would address one of the reasons for the dismissal of the Planning appeal.

Open Space contributions

118. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. A scheme of 20no. units would generate 44no. people based on 2011 census data of 2.2 persons per household. Based on a scheme of 20no. units, a minimum 660m² of usable on-site amenity open space would be required. In addition, (providing the aforementioned on-site provision is achieved in full), a further £31,482.00 financial contribution would be required for off-site open space provision/enhancement. The applicant has agreed to enter into a s106 obligation to secure these funds, to be paid in a single instalment upon first occupation of the dwellings. It is acknowledged that this total may need to be recalculated on a pro-rata basis should the total number of units presented at reserved matters be less than 20no units. The entering into a S106 agreement would address one of the reasons for the dismissal of the Planning appeal.

Healthcare

119. Paragraph 93 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. 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. The NHS advise that based upon the scale of development proposed, no contribution would be sought in this instance.

Educational provision

120. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. Based on the projected rolls of the schools, taking into account the likely implementation of the development of 20no. units, build out rates and other relevant committed development, it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

Other matters

Accessible and adaptable homes

121. CDP Policy 19 states that on all 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.

122. CDP Policy 15 includes a requirement for sites for 5 or more dwellings to ensure 66% of the dwellings proposed are built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. In this instance 66% would equate to 13no. of the 20no. proposed dwellings.
123. Furthermore, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase the housing options of older people. This equates to 2no. of the proposed units. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
124. The scheme is only in outline format, and as such, based on the information submitted, it is presently unclear from the indicative site layout whether any of the dwellings conform to these requirements. It is therefore expected that such matters be addressed through any subsequent reserved matters submission and as controlled by condition.

Safeguarding mineral resources

125. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the county fall into such mineral safeguarding areas, including the application site and wider area. Coal Authority records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site and the residential setting. No objections are raised in this regard.

CONCLUSIONS

126. Outline planning permission (all matters reserved except access) is sought for the erection of upto 20no. dwellings on land to the south of Eve Lane. This is a resubmission of an identical scheme previously refused by the LPA in December 2021, and subsequently dismissed at appeal by the Planning Inspector. In resubmitting this application, the applicants have sought to address the key issues raised by the Planning inspector which led to the appeal being dismissed. The decision and reasoning by the Planning Inspector is a material consideration that should be afforded significant weight in the determination of this planning application.
127. As previous, only an indicative site layout is provided at this time, with details of layout, scale, design and landscaping constituting reserved matters.
128. Consideration is given to the principle, of the works proposed and the resulting landscape/urban impacts, deliverability, neighbouring amenity, highways, ecological impact, land stability and drainage. The applicant has agreed to entire into a legal obligation concerning the provision of affordable housing and on-site open space/off site open space contribution.

129. Local concerns are raised and taken into consideration within the main body of the report. In summary it is considered on taking the views of the Planning inspector into account the principle of developing this site is now considered acceptable. Notwithstanding this, further consideration will need to be given to a revised site layout which takes into account necessary landscape, highways ecology and amenity impacts through reserved matters.
130. In the context of an outline application, proposals would satisfy the provisions of Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the NPPF, Policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41 and 56 of the CDP, and the Residential Amenity Standards SPD (2020 Adopted version).
131. The application is therefore recommended for approval subject to the following conditions and completion of a s106 obligation.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site;
- Financial contribution totalling £31,482.00 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling, and a minimum 660m² of usable on-site amenity open space provided on a pro rata basis.

And the following conditions:

1. Time limit – Reserved matters

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

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

2. Reserved matters

Approval of the details of layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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

3. Approved plans

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

21-18/LP-C (Location Plan), received 06 June 2022

D-1002 (Proposed site access), received 06 June 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. Dwelling limits
The development hereby approved shall comprise no more than 20no. dwellings with each not exceeding a maximum 2 storey scale.

Reason: To define the consent in the interests of proper planning.

5. M4(2) standard
No development other than site clearance or remediation works shall commence until a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

6. Accessible and adaptable dwellings
A scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people, shall be submitted for approval alongside an application for reserved matters for the scheme. Thereafter the development shall be carried out fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence

7. Mitigation
No development shall take place unless in accordance with the mitigation detailed within Section 4 and 5 of the EclA report (Whitcher Wildlife, December 2021).

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.

8. Highways
Prior to the commencement of development hereby approved, full highway engineering details for improvements to the access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

9. Car parking
All off street parking areas as approved through reserved matters shall be constructed, marked out and made available for use prior to the commencement of development of the dwellings and made available at same time as new site entrance becomes operational. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles.

Reason: In the interests of highway safety in accordance with the requirements of Policy 21 of the County Durham Plan.

10. Surface water drainage

No development other than site clearance or remedial works shall commence until a scheme for the provision of foul water drainage works based on the principles set out in the Flood Risk Assessment and Outline Drainage Strategy Report Rev P02, date 23.09.21 has been submitted for approval alongside an application for reserved matters for the scheme. The drainage work shall be completed in accordance with the approved details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Part 14 of the NPPF and Policies 35 and 36 of the County Durham Plan

11. Foul water drainage

A scheme for the provision of foul water drainage works shall be submitted for approval alongside applications for reserved matters. The drainage works shall be completed in accordance with the approved details and timetable agreed.

Reason: To prevent pollution of the water environment and mitigate flood risk in accordance with Part 14 of the NPPF and Policies 35 and 36 of the County Durham Plan

12. Contaminated Land (Phase 2-3)

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

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

13. Contaminated Land (Phase 4)

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

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

14. Land Stability

No development other than site clearance or remedial works shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

15. Land Stability Verification

Prior to the occupation of the development, or it being taken into beneficial use, a verification report confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

16. Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

