



Area Planning Committee (South and West)

Date Thursday 20 April 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. The Minutes of the Meeting held on 23 March 2023 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined
 - a) DM/22/01836/FPA - Land North Of Hill Top Cottage, Eggleston (Pages 7 - 32)
Construction of 2no dwellings
 - b) DM/21/00749/FPA - Meadow Farm Caravan Park Ramshaw Lane Ramshaw Bishop Auckland DL14 0NB (Pages 33 - 62)
Change of use of land to facilitate the siting of 18no. static caravans for holiday use, camping and a 16. touring caravan site; formation of permeable hardstanding and access tracks; siting of amenities block; installation of foul drainage facilities; associated landscaping and planting; and manager's accommodation (part retrospective)
 - c) DM/22/01553/FPA - 2 Sudburn Avenue, Staindrop, Darlington, DL2 3JX (Pages 63 - 72)
Proposed driveway, dropped kerb, change of use of open space to allow parking and hard stand on front garden with gates
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
12 April 2023

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

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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 March 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Cairns, N Jones, D Oliver, S Quinn, M Stead, S Zair and J Howey (substitute for D Brown)

The Chair informed the Committee that item 5b had been removed from the agenda.

1 Apologies for Absence

Apologies for absence were received from Councillor V Andrews, Councillor J Atkinson, Councillor D Brown and Councillor M McKeon.

2 Substitutes

Councillor J Howey was present as substitute for Councillor D Brown.

3 Minutes

The Minutes of the meeting held on 17 November 2022 were agreed as a correct record and signed by The Chair.

4 Declarations of Interest

Councillor S Zair declared an interest in item 5a and opted to address the Committee as a Local Member in support of the application and would leave the room for the debate and determination.

5 Applications to be determined

a DM/23/00032/FPA - Stack, 9A Newgate Street, Bishop Auckland, DL14 7EP

The Committee considered a report of the Senior Planning Officer, George Spurgeon which provided details on an application for the Demolition of building and structures and the erection of a mixed-use building comprising uses within Use Class E 'Commercial Business and Service' and Sui Generis 'Drinking Establishments and Venues for Live Music Performances and Events' with ancillary facilities, provision of a roof-top terrace with external seating and associated facilities (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a location plan and photographs of the site. He noted that the application was recommended for approval, subject to the conditions as set out in the report.

Councillor S Quinn and Councillor M Stead entered the meeting at 09.35 am and Councillor N Jones entered the Meeting at 09.40 am. The Legal Officer, Laura Ackermann, asked the Committee Members if they felt able to take part in the vote, all three Members agreed that they could.

Amelia Robson, Agent for the Applicant, addressed the Committee noting the application had been recommended for approval subject to a number of conditions. This had followed comprehensive assessment by Officers, and all other statutory technical consultees. The Committee were informed throughout both the pre-application and application process, that the applicant had worked in partnership with the Council and responded positively to concerns raised during consideration of the application. She added the site was located within Bishop Auckland town centre and the half-demolished building currently detracted from the visual amenity of the area adding the cleared part of the site had stood vacant for over a decade. The Committee were informed that the Applicant intended to bring back to life this vacant site by providing a multi-functional space. The space would allow for local businesses to operate from the premises by providing small to medium size locations. The agent advised that STACK provided units which allowed start-up local businesses to operate from and had been the catalyst for businesses to start small and continue to grow. The STACK operation was highly popular as it allowed for a huge amount of choice for consumers and this was seen through the success of other STACK operations within the region. Members attention was drawn to the Officers report, noting the Site was specifically identified within the Bishop Auckland Regeneration Town Centre Masterplan as a key opportunity to regenerate the area. Visit County Durham recognised visitors drawn to Bishop Auckland's would need places to eat, drink and need evening entertainment. The proposal would significantly assist in the aims of the Masterplan and in attracting people to Bishop Auckland. Informing Members, the proposal would ensure the vitality

and viability of the town centre, by providing significant public benefits such as the development of a gap site that presented poorly onto the main street in the town centre through the formation of a new visitor destination. The development would improve the appearance of Newgate Street, create 75 new jobs and assist in reducing the high levels of vacancy. This proposal was part of the wider regeneration efforts for Bishop Auckland and was a complementary investment to the Council's ongoing investment in the town centre. It was noted the Applicant had explored noise mitigation from the outset of the application and had worked with Officers to reach suitable opening hours and opening hours for the external terrace to ensure that STACK continued to operate as a responsible neighbour. The proposal included acoustic mitigation to ensure that there were no adverse amenity issues, with officers having assessed the technical information submitted with the application and concluded that the proposal was acceptable in terms of noise matters. She described the proposal as an exciting addition to Bishop Auckland which would revitalise a currently redundant site. The Applicant had addressed all technical matters and provided a policy compliant scheme which brought significant benefits to the local community and wider area.

Councillor E Adam noted that the presentation had highlighted an extra objection.

The Senior Planning Officer informed the Committee that no comment had been received regarding noise disruption to the Housing Association building next door. With regards to the second objection which had been received after the reports had been published which was of a similar issue, the Senior Planning Officer noted he had spoken to the objector on the phone and explained the discussions that had taken place.

Councillor E Adam raised concerns over access to the rear of the site, how it would be monitored, and footfall for residential properties

The Agent informed Members there was no access to the rear, it was an emergency exit and would only be used for deliveries, which would be monitored by staff. The rear exit would be restricted by conditions as laid out in the report. The Senior Planning Officer confirmed that condition 13 in the report restricted the timings of deliveries.

Councillor D Oliver noted he was aware of the site and welcomed the application but raised concerns over the uncertainty around the design and asked if Officers were confident with conditions in place.

The Senior Planning Officer noted the design layout would be as shown on the plan in the presentation and that the 3D model was just to give Members an idea of how it would look, with the steel work and glazed front.

Councillor S Zair addressed the Committee as the Local Member and noted the site had been an eye sore for long enough, and the application was looking to bring a derelict site back to use adding that the application would improve the area visually whilst promoting growth through jobs and supporting local businesses. Councillor Zair noted he did have concerns over the noise issues but from the report and presentation these seemed to have been addressed and quoted the National Planning Policy which stated that any sustainable application should go ahead immediately.

Councillor S Zair left the Meeting at 09.55 am and took no further part in the meeting.

Members agreed that the application would be a welcome addition to the area being an improvement to the site, bringing in regeneration, boosting the economy, bringing jobs and would be a welcome attraction in the area.

Councillor S Quinn moved the application to be approved, this was seconded by Councillor M Stead.

Upon a vote being taken it was:

RESOLVED:

That application DM/23/00032/FPA be **approved** subject to conditions listed in the report.

b DM/21/00749/FPA - Meadow Farm Caravan Park Ramshaw Lane Ramshaw Bishop Auckland DL14 0NB

This item was withdrawn.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01836/FPA
Full Application Description:	Construction of 2no. dwellings
Name of Applicant:	Mr Simon Carson
Address:	Land North of Hill Top Cottage, Eggleston, DL12 0AU
Electoral Division:	Barnard Castle West
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the northwest of the village of Eggleston in an area known as Hill Top, in upper Teesdale. The site relates to a rectangular parcel of agricultural land measuring approximately 0.16 hectares, sat within a larger agricultural field. A dry-stone boundary wall is located along the north-eastern boundary of the site, adjacent the B6278 / Roman Road. The wider site boundaries predominantly consist of dry-stone walls and post and rail fencing. The residential property of 'Cloud High' lies beyond the north western site boundary, beyond the south eastern boundary of the site lies the property of 'Hill Top Cottage'. The Moorcock Inn lies to the east of the site across the highway. The application site itself is level, but the level of the wider field falls away sharply to the southeast.
2. In terms of planning constraints, the site lies immediately adjacent to the boundary of North Pennines Area of Outstanding Natural Beauty. The site itself located within a designated Area of Higher Landscape Value (AHLV) with Public Rights of Way approximately 100 metres to the north (Footpath no.14), approximately 175 metres to the south west (Footpath no.15) and approximately 70 metres to the south east (Footpath no.38). The site also lies within the Teesmouth and Cleveland Nutrient Neutrality constraint Area

The Proposal

3. Full planning permission is sought for the erection of 2no. detached dwellings on the site. The dwellings would be constructed from local stone under a slate roof with timber windows and doors in Anthracite grey. Each dwelling would measure approximately 14.4 metres by 10.9 metres, standing to 7.6 metres to the highest ridge and 5 metres to the highest eaves point. Living accommodation would be provided across two levels with a total of 4 no. bedrooms. Each of the dwellings would have their own access from the B6278 with parking provision to the front of the properties.
4. The dwellings would be compliant with the Nationally Described Space Standards (NDSS) which requires 4-bedroom, 8 person dwellings to have a 124m² gross internal floor area. Each of the dwellings would have a gross internal floor area of 272m².
5. The application is being reported to Planning Committee upon the request of Councillor Savory to allow full consideration of potential landscape harm and potential issues around the sustainable location of the dwellings.

PLANNING HISTORY

6. No relevant planning history.

PLANNING POLICY

National Policy

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental

conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

10. *NPPF Part 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.
11. *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.
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 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.
15. *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.
16. *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:

17. 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; 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)

18. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
19. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
20. *Policy 10 (Development in the Countryside)* states the 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.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of a design and scale suitable for intended use and well related to existing settlement.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes; changes of use of existing buildings, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

21. *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.
22. *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.
23. *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.
24. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
25. *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.
26. *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.

27. *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.
28. *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.
29. *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.
30. *Policy 38 (North Pennines Area of Outstanding Natural Beauty)* 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. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other 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. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
31. *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

32. *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.
33. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
34. *Policy 42 (Internally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or cumulatively 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.
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 (January 2023) – 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:

37. 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:

38. *Eggleston Parish Council* – No objection raised, however clarification was sought on whether the land has been a Black Grouse area and if the piece of land has been used as agricultural land over the past year with animals on it.

39. *Highways Authority* – Offer no objections following the removal the proposed garages resulting in adequate in curtilage car parking and access/egress arrangements. The applicant has satisfactorily demonstrated that the required visibility splays of 2.4m x 120m can be achieved from both proposed accesses for the 40mph speed limit along that stretch of the B6278 road.

It is noted that relevant guidance sets out that journeys on foot to public transport links should be easily safe and accessible and within a short 400m walking distance of the site. The nearest bus stops to the site are located approximately 770m away to the southeast. This would result in substantial walking along the footway of the partially street lit B6278 Road resulting on the reliance of journeys by means of private motorised vehicle.

Non-Statutory Responses:

40. *Spatial Policy* – Advise that the area of Hill Top forms a sporadic hamlet set within the open countryside. It is noted that Hill Top is not recognised as a settlement within its own right within the Settlement Study and it is physically separated from Eggleston settlement. Due to the location of the application site being of an open and rural nature, the proposal should be assessed against Policy 10 of the CDP. Policy 10 states that development in the countryside will not be permitted unless allowed by specific policies in the Plan. There has been no information submitted to satisfy any of the exceptions within Policy 10.
41. *North Pennines Area of Outstanding Natural Beauty Partnership* – Advise that the development would fall outside the boundary of the AONB. Concerns are however raised regarding the appropriateness of the scale of the proposed dwellings within the linear village setting and whether this type of infill is acceptable in principle.
42. *Ecology* – Advise that the site is within the Nutrient Neutrality area and taking land out of the existing agricultural use as reflected in the Nutrient Neutrality Calculator is a sound approach to mitigate the developments impact in this respect. It is also advised that the conclusions of the submitted ecological appraisal are sound and the development would not impact on protected species or habitats. Bat and bird boxes to meet biodiversity net gain on the site should be provided.
43. *Natural England* – Highlight their standing advice in relation to Nutrient Neutrality as the associated effects on downstream ecological sites.
44. *Landscape Section* – Advise that the site is located in the open countryside and lies within an Area of Higher Landscape Value (AHLV). The North Pennines AONB lies directly to the north. The surrounding landscape at Hill Top is characterised by scattered pattern of development with small clusters of single or small terraced houses, with development separated by agricultural fields which gives the area a strong sense of both visual unity and cultural continuity.

The fields between the existing built form to the west of the B6278 and in particular the application site makes an important contribution to the character of the settlement and provides framed, panoramic views out across the

attractive countryside. The proposal would erode this character and contribute to ribbon development.

Although there may be some diversity in the street scene, the location, scale and design of the properties is not reflective of the existing pattern of traditional residential development. They would be seen as an incongruous feature that would neither relate to nor reflect the local context within which they would be situated.

The proposals would not conserve or enhance these special qualities of the AHLV. It is unlikely that this harm could be reduced through design changes or additional mitigation.

45. *Design and Conservation* – Advise that the design of the dwellings would be on an executive style, that is not in keeping with the scale and size of surrounding developments.
46. *Environmental Health Nuisance* – Advise that the proposal is likely to comply with the thresholds set out within the TANS. This would indicate that the development would not lead to an adverse impact. Noise from the road may give rise to concern and recommend a condition in relation to noise levels is imposed.
47. *Lead Local Flood Authority* – Offer no comments on the suitability of the development.
48. *Environmental Health Contamination* – No adverse comments to make and no requirement for a contaminated land condition.
49. *Archaeology* – The amended drawing has moved the two buildings right up to the border of the suggested Roman road, a Watching Brief for any ground works should be secured via condition.

Public Responses:

50. The application has been advertised by way individual notification letters being sent to 27 neighbouring properties.
51. Seven letters of objection have been received with the following concerns summarised below:
 - Impact upon the local wildlife.
 - Houses should not be built in an Area of Outstanding Natural Beauty.
 - Concerns are raised regarding the level of consultation undertaken.
 - Inaccuracies in the submitted planning statement.

- There are no services in Eggleston; there has been no school for 25 years, no shop for 15 years and no public house for two years.
- Impact of the development upon the landscape, AONB and character of the area as the roadside frontages and open landscape are characteristic of the area.
- Scale of the development leading to expensive and unaffordable houses for local young people.
- Precedence of other development in the area.
- Impact of the development in terms of the residential amenity with a request for obscure glazing to the side elevation windows.
- The location of the hedgerow planning for the boundaries of the gardens.
- The location of the existing dog litter bin and its possible re-location.
- Contribute to ribbon development.
- Applicant has not engaged with the residents or the community on the application.
- Other more appropriate locations for development such as the vacant plot at the site of the former school and within a few miles of Hill Top and Eggleston there are multiple semi-derelict buildings.
- Impact upon the daylight, sunlight and views of the landscape from the Moorcock Inn.
- Proposal does not comply with Policy 6 of the CDP as it would be prejudicial to the existing use of the public house; would be ribbon development; would result in the loss of open land which contributes to the character of the locality; not appropriate to the setting of the settlement; will reduce highway safety; and there are limited services in Eggleston.
- The proposal does not comply with Policy 10 of the CDP. The proposal neither protects the countryside, nor helps the rural economy and the proposal will damage agriculture and tourism.

Applicants Statement:

52. The proposal is to provide 2no detached dwellings located in the settlement known as Hill Top which is identified as part of Eggleston. The road side sign on public highway B6278 identifying Eggleston is located 200m to the north west of the proposed site. The highway from this point limits speed to 40mph acknowledging the built up nature of the area.

53. Hill Top consists of approximately 30 dwellings of various styles and ages, although mainly traditional in appearance. A mixture of small terraced dwellings up to large detached houses. Approximately half of the properties are detached. All in the main are built adjacent to and on either side of the B6278.
54. There is no predominant building line. Some properties are built tight to the public footpath others set back at various distances. The character of the area is traditional single and two storey dwellings with stone walling and slate roofs.
55. The proposed site the overall plot frontage is approximately 70m with the two plots taking up only 34m of this length. The plots are grouped centrally leaving substantial open space to the northwest and south east thus maintaining views to the open countryside. These open spaces also comply with DCC privacy standards in relation to adjacent dwellings.
56. The proposed designs are very traditional detached two storey houses formed in stone and slate. The mass is fragmented to provide a series of blocks thus avoiding a single monolithic unit and reflects the organic character of the area. Considerable amendments have been made in liaison with the planning department to produce an acceptable design and location on site. The amendments include removing garages, adjusting window design and relocating the units closer to the main road.
57. Taking the above into account we would strongly argue that the application should be considered under Policy 6 of the DCP "Development of Unallocated Sites". As set out in our supporting statement the proposal is fully compliant with all aspects of the policy. The planning department have assessed the scheme under Policy 10 of the DCP "Development in the Countryside". The site sits within the Hill Top settlement.
58. Taking the points made earlier in this statement particularly the number of properties within the Hill Top settlement and the identification as being part of Eggleston we believe the proposal sits within the body of Hill Top and can be justified as infilling within an established settlement. Thus having no adverse impact on the countryside.

PLANNING CONSIDERATION AND ASSESSMENT

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development; locational sustainability; landscape and visual impact; scale and design; highway safety; ecology; nutrient neutrality; residential amenity; ground conditions; sustainable construction and other matters.

Principle of Development

60. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
61. NPPF Paragraph 11c requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. 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.
62. The application site relates to an undeveloped parcel of land between two residential properties known as 'Cloud High' and 'Hill Top Cottage' within the Hill Top area located to the northwest of Eggleston. The area of Hill Top is not identified in the County Durham Settlement Study as a settlement, as the area is considered to form a sporadic hamlet within the open countryside. The application site is divorced from the identified settlement of Eggleston, being sited over 650 metres in distance from the main hub of Eggleston. The character and nature of the application site is open and rural in nature, marked by stone walls for the boundaries and appearing to be a purposeful gap in between the two residential properties and wider sporadic developments. Therefore, the application site is located within the countryside.
63. Policy 10 of the CDP sets out that that development in the countryside will not be permitted unless it relates to exceptions linked to economic development infrastructure development or the re-development of existing buildings or specifically allowed by other policies in the Plan. The application does not comply with any of the specific development exceptions policies outlined in CDP Policy 10.
64. However, the applicant and the agent for the application argue that the proposal should be considered against Policy 6 of the County Durham Plan. Policy 6 seeks to support 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 and where the proposal complies with all the criteria of Policy 6 which includes:
 - a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

- c. do 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. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. have 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. do 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. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, make as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, reflect priorities for urban regeneration.
65. In considering the first requirement of Policy 6, the site is not located within 'a built-up area' which is defined as land contained within the main body of a settlement. As set out above, given the sporadic cluster of dwellings and development in the area of Hill Top is also not considered a settlement, and not identified as such in the County Durham Settlement Study 2018. Furthermore, it is considered that there is clear separation from Eggleston itself. The application therefore fails to comply with the first requirement of Policy 6; as it is not within a built-up area. It also fails to comply with the second requirement of Policy 6 as it is not well-related to a settlement by virtue of its location and characteristics.
66. As the site is located within the open countryside and not well related to a settlement, in principle the proposal gains no support from Policy 6 and is contrary to Policy 10 of the CDP. Although not strictly necessary in such circumstances, further consideration of the remaining criteria of Policy 6 is given below.

Locational Sustainability of the Site

67. Criteria p of Policy 10 sets out that development must 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.

68. Criteria f of Policy 6 sets out that development must have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and level of service provision within that settlement.
69. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
70. It is recognised that the NPPF at para. 80 sets out that development within one village may support services within a village nearby.
71. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. In assessing this, the cluster of sporadic residential properties at Hill Top is not identified as a settlement, unlike Eggleston which is identified within the settlement study.
72. In considering the services and facilities within the area, it is recognised that the Moor Cock Inn is located in close proximity to the site, which could provide some amenities and services for future residents. However larger settlements provide more the widely used services and amenities such as schools, doctors and employment opportunities. The nearest bus stop to the application site is over approximately 730 metres to the southeast of the application site within Eggleston itself. As advised by the Council's Highways team, relevant guidance sets that bus stops should be within safe and accessible routes within a short 400m walking distance. This is not the case on the site and it would mean substantial walking along the footway of the partially lit B6278 where there is a substantial level change.
73. Whilst there is not a bus stop within Hill Top, it is recognised that a bus service passes the site extending up to Middleton-in Teesdale and down to Barnard Castle. However, this service only runs on a Wednesday. The practice of sustainable transport options would therefore not be fulfilled with a sole reliance of journeys by means of private motorised vehicle.
74. In conclusion, the application site is considered to be within the open countryside with evidence from the County Durham Settlement Study failing to identify Hill Top as a settlement. In addition, there are limited services and facilities within 400 metres of the application site which will inevitably lead to reliance upon the private motorised vehicle. Whilst recognising the limited contribution that the proposed dwellings could make to sustaining services within Hill Top, the site is not considered to be located in a sustainable location and fails to comply with Policies 6, 10 and 21 of the County Durham Plan and paras 110 and 112 of the NPPF. This policy conflict and harm is required to be considered in the planning balance below.

Landscaping and Visual Impact

75. CDP Policy 6 sets out that development must not result in the loss of open land that recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.
76. CDP Policy 10 under the general design principles states that development in the countryside must 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;
77. CDP Policy 38 states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions great weight will be given to conserving landscape and scenic beauty. Any other 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.
78. 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. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
79. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
80. The application site is within the Area of Higher Landscape Value with the North Pennines Area of Outstanding Natural Beauty lying directly to the north.
81. The landscape at Hill Top is characterised by scattered pattern of development with small clusters or a string of wayside dwellings of single or small terraced houses, in the most part, of distinctive local vernacular and of a modest scale, with development separated by agricultural fields. The pastoral fields between the existing built form to the west of the B6278 and in particular the proposed application site makes an important contribution to the character of the settlement and provides framed, panoramic views out across the attractive countryside of Teesdale and into Lunedale towards Mickle Fell.
82. The Council's Landscape Team have been consulted on the application. They comment that the proposal would harm key views out of the hamlet affecting a number of sensitive recreational and road receptors, most notably, the users of the footpath along the B6287 that forms the northern boundary of the site, customers of the Moor Cock Inn and travellers. Although there may be some diversity in the street scene, the location, scale and design of the properties is not reflective of the existing pattern of traditional residential development and

they would be seen as an incongruous feature that would neither relate to nor reflect the local context within which they would be situated.

83. The proposal would cause harm to the character, quality and distinctiveness of the local landscape. It is considered that the effects of the development would be significant at local level. In respect of the AHLV, its special qualities relate primarily to its representativeness and condition interests on account of individual elements and the overall landscape structure being generally intact and in good condition leading to its high scenic qualities. It is considered that the proposal would not conserve or enhance these special qualities, contrary to Policy 39. It is unlikely this harm could be reduced through design changes or additional mitigation. The proposal would also cause harm to the intrinsic character, beauty and tranquillity of the countryside which would fail Policy 10 (l) and would result in the loss of open space which contributes to the character of the locality which cannot be adequately mitigated or compensated for and therefore would fail Policy 6 (c) in this regard.
84. Overall, it is considered that the proposal would conflict with Policy 6, 10, 29 and 39 and Parts 12 and 15 of the NPPF. This policy conflict and associated harm needs to be weighed in the planning balance.

Scale/Design

85. CDP Policy 6 requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement.
86. CDP Policy 10 under criteria o requires new development in the countryside, by virtue of their siting, scale, design and operation to not impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
87. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
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.
89. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using

streetscapes and buildings to create attractive and comfortable places to live, work and visit.

90. The site is not located within a conservation area and contains no designated heritage assets, however as set out above, the site is located within and AHLV and also adjacent the boundaries of the North Pennines AONB.
91. The surrounding area is characterised by modest, rural vernacular style houses that are simplistic and traditional in their size, form, proportions, fenestration and detailing. The surrounding dwellings have an active street frontage, being built tight up to the pavement edge or roadside, or where this is not the case, there is a front garden or undeveloped paddocks enclosed by stone walls. This generates a consistent building line to the street and reinforces a sense of linear enclosure that contributes to part of the rural character to the area.
92. In assessing the development against the above context, officers are of the opinion that the development would be out of keeping with the traditional modest dwellings found in the surrounding area. The proposed properties would be disproportionate being overly large in size and scale in comparison to surrounding development. The form and chosen fenestration, particularly to the front elevations of the dwellings is considered too complex given the rural nature and character of the wider site resulting in two executive style dwellings which do not contribute positively to the area's character, identity or landscape features. Whilst amended plans have been submitted altering the design, it is considered that this does not fully address the concerns on the design of the proposal.
93. Overall, the proposal fails to create and reinforce the local distinctiveness of the rural area which causes harm. Therefore, the proposal fails to comply with Policy 6, 10 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

Highway Safety/Access

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. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion e) of Policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
95. Specifically, 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 development proposes two access points to serve the development separately from the B6278. An in-curtilage driveway/parking area would be provided in front of the properties, with space for up to 4 vehicles each.

97. The Highway Authority have reviewed the application and advise that amended plans omitting the garages from the proposals address their previous concerns in regard to the potential conflict of vehicles turning into either dwelling. They also confirm that the required visibility splays of 2.4m x 120m are achievable from both accesses to the dwellings. Therefore, in terms of highway safety, no objections to the application are raised.
98. Overall, subject to conditions, the proposals are not considered to adversely affect highway safety and would accord with CDP Policies 6, 10, 21 and Part 9 of the NPPF.

Ecology

99. 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 ensure new development minimises 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.
100. Policy 43 sets out that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts while 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.
101. In this respect the application is supported by a Preliminary Ecological Appraisal which assessed the likely presence of protected species or habitats on the site, the report concludes that the development would have a low risk to protected species and their habitats on the site. The Councils Ecology Officer has reviewed this information and has advised that the methodology and conclusions of the report are sound. Accordingly, as an EPS licence is not required, there is no need to consider the derogation tests/licensing criteria. It is however noted that net gains to achieve biodiversity have not been specified, although this matter could be controlled by condition to require the installation of integrated bat and bird boxes.
102. Therefore, using planning conditions, a biodiversity net gain can be achieved on the site and the to comply with Policy 41 and 43 of the County Durham Plan.

Nutrient Neutrality

103. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the

nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.

104. In this instance the development proposes the formation of 2 additional dwellings, which although would be served by means of a package treatment plant, would ultimately give rise to additional loading of Nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
105. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England, even when using a package treatment plant with a high level of efficiency in removing Nitrogen, mitigation is identified as being required in order to achieve Nutrient Neutrality. In this instance it is proposed to take approximately 0.45ha of agricultural land out of productive use through the planting of additional hedgerows along the margins of the site alongside the creation of wildlife meadow. The delivery and retention of this hedgerow and the wildlife meadow, along with ensuring the efficient operation of the proposed package treatment plant could be secured by planning conditions and/or legal agreement for the lifetime of the development.
106. In reviewing the proposed strategy, the Councils Ecology section consider the approach sound, and subject to conditions securing the mitigation, prior to occupation of the development the development would not adversely affect the integrity of the designated site. There is therefore no requirement apply the imperative reasons over-riding public interest (IROPI) tests.
107. Subject to the above, the proposal will be acceptable in accordance with Policies 41 and 43 of the CDP and Paragraph 180 of the NPPF. The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).

Residential Amenity

108. 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.

109. 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.
110. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
111. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with:-
 - 'A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
 - Where a main facing elevation containing a habitable room windows is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'
112. In regard to this, to the northeast and southwest of the application site are open fields. Predominantly the windows for each of the dwellings are sited on the northeast and southwest elevation. Given this existing relationship, the windows to the front and rear elevations will have an outlook over the open fields and would not cause any issues in terms of overlooking.
113. The nearest residential properties to the development are 'Cloud High' to the northwest and 'Hill Top Cottage' to the southeast. The nearest dwelling to 'Cloud High' will be approximately 21 metres away from this residential property. It is recognised that 'Cloud High' has several windows which face towards the application site. However, these would face the side elevation of the dwelling where en-suite bathroom windows are present. Obscure glazing could be secured by condition. Given this, and the separation distance to existing dwellings the proposal would be acceptable in terms of amenity upon 'Cloud High' to the northwest of the application site.
114. In considering the impact upon 'Hill Top Cottage' to the southwest, there would be a separation distance of approximately 24 metres between the side gable of the closest dwelling and Hill Top Cottage. This separation distance would exceed the separation distances required by the Residential Amenity SPD and would be acceptable in terms of the residential amenity. In addition, the gable of the proposed dwelling would have two first floor windows serving en-suite bathrooms which could be conditioned to be obscurely glazed and there would be a ground floor window to serve the living room as a secondary window.

Given this relationship, the proposal would be acceptable in terms of amenity upon 'Hill Top Cottage'.

115. Concerns have been raised about the impact of the proposal upon the 'Moorcock Inn' to the east of the application site, especially in regard to the impact of the development upon its patio and its light. In considering this, the Moorcock Inn is located across the road from the application site and the proposal for another residential dwelling in this setting is not considered to cause amenity concerns in relation the Moorcock Inn. It is accepted by Officers that the views of the application site from the Moorcock Inn will change, but maintaining a view is not a material planning consideration.
116. In terms of the amenity of future occupiers, the dwellings would provide four bedrooms and would be compliant with the Nationally Described Space Standards (NDSS) which requires a 4-bedroom 8 person dwelling to have a 124ms gross internal floor area. Each of the dwellings would have a gross internal floor area of 272m².
117. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

Drainage

118. 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. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
119. 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.
120. The site is not located within a flood zone. Information has been submitted to show that the foul water will be dealt with via a package treatment plant. No details have been submitted in relation to surface water. However, the details of the drainage for both foul and surface water can be controlled by a planning condition which would be reasonable in this case to request additional information and detail to be submitted to demonstrate compliance with Policies 35 and 36 of the CDP, it considered likely that surface water could be adequately attenuated before being discharged.

121. Therefore, the application through the use of planning conditions, can ensure that acceptable foul water and surface water drainage is secured on the site to comply with Policies 35 and 36 of the CDP.

Ground Conditions

122. 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.
123. In this regard, the Council's Contaminated Land Team have been consulted and they confirm there is no requirement for a land contamination condition on the scheme.
124. Therefore, based on the comments from the Contaminated Land Team, the proposal is considered to comply with CDP Policies 32, 56 and NPPF Paragraph 183.

Sustainable Construction

125. CDP Policy 29 requires new 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 water and prioritising the use of local materials.
126. No information in relation to this has been provided. However, it is understood that the site is within the gas network and in the event of an approval of the application, a conditional approach can be adopted to secure the submission of this information to show how the proposal would comply with this policy requirement, including the use of renewable energy and carbon reduction measures.
127. Policy 27 of the CDP states that any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
128. According to the OFCOM availability checker, the site has access to broadband in accordance with Policy 27 of the CDP.

Other Issues

129. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 174 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality

land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.

130. A site-specific agricultural land classification has not been submitted in support of the application. However, the application site is identified as 'Grade 4' in the Agricultural Land Classification which identifies the land as 'Poor' under the standards. Therefore, there would be no loss of best or most versatile agricultural land.
131. To the immediate northeast of the application site there is a Roman Road with the Council's Archaeology Team requesting a condition be imposed for a watching brief.

CONCLUSION

132. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date 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 the plan should not be followed.
133. In this instance the area of Hill Top has not been identified in the County Durham Settlement Study as a settlement and is more considered a sporadic grouping of dwellings in the countryside and therefore development is not supported by Policy 6. The development does not comply with any of the exceptions set out under Policy 10 of the CDP for development within the countryside, nor does it comply with any other specific policy in the plan which would allow for development in a rural location.
134. It is identified that there are limited services and facilities within proximity of the application site with a reliance upon private means of motorised to access services and amenities further afield, transport due to limited bus routes and connections, The site is therefore not considered a sustainable location for development contrary to Policies 6, 10 and 21 of the County Durham Plan.
135. In terms of design, the proposal would result in the formation of two executive style dwellings which do not contribute positively to the area's character, identity or landscape features. The proposal fails to create and reinforce the local distinctiveness of the rural area and would involve the development of an open site which would cause harm to the local area. Therefore, the proposal fails to comply with Policies, 6, 10 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
136. The application would also cause harm to the character, quality and distinctiveness of the local landscape and would not conserve or enhance the special qualities of the Area of Higher Landscape Value which would fail to comply with Policies 6, 10 and 39 of the County Durham Plan.

137. The development would mitigate its ecological impacts, would not impact on highway safety or residential amenity.
138. It is recognised housing in villages can support services in other nearby villages, particularly in rural areas. The development would also result in a temporary economic uplift during construction and provide housing choices in the locality. However, these benefits are not considered sufficient to outweigh the policy conflict and harm identified above and therefore the application is recommended for refusal.

Public Sector Equality Duty

139. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

1. The application site is located within the countryside away from any established settlement and does not comply with any of the exceptions set out in Policy 10 of the County Durham Plan for development on such a location and is not permitted by any other specific policy in the County Durham Plan. In addition, the site is in unsustainable location with a reliance upon private motor vehicles to access of services and facilities. The development is therefore considered to conflict with Policies 6, 10 and 21 of the County Durham Plan and Parts 5 and 9 of the National Planning Policy Framework.
2. The development is considered to represent poor design that does not relate well to the local vernacular of the surrounding area in terms of its scale, mass and appearance resulting in the loss of a site which positively contributes to the character of the local area and wider landscape. The development does not conserve or enhance the special qualities of the Area of Higher Landscape Value and is considered contrary to Policies 6, 10, 29 and 39 of the County Durham Plan and Parts 12 and 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)

Residential Amenity Standards Supplementary Planning Document January 2023

Statutory consultation responses

Internal consultation responses

External consultation responses



<p>Planning Services</p>	<p>Construction of 2no. dwellings</p>	
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	<p>Date: 20th April 2023</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/00749/FPA
Full Application Description:	Change of use of land to facilitate the siting of 18no. static caravans for holiday use, camping and a 16. touring caravan site; formation of permeable hardstanding and access tracks; siting of amenities block; installation of foul drainage facilities; associated landscaping and planting; and manager's accommodation (part retrospective)
Name of Applicant:	Mr Will Price
Address:	Meadow Farm Caravan Park Ramshaw Lane Ramshaw Bishop Auckland DL14 0NB
Electoral Division:	Evenwood
Case Officer:	Steven Pilkington (Principal Planning Officer) Tel: 03000 263 964 Email: steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a rectangular shaped parcel of land measuring approximately 1.55ha in area, located to the northeast of the village of Ramshaw, to the west of the County. The site has planning permission to operate as a camping and touring caravan site.
2. The site directly borders Ramshaw Lane to the West, beyond which open agricultural fields and the open countryside are located. To the north of the site lies an access track leading to Sandbed Farm, beyond which Norton Fine Beck and associated vegetation are located. To the east of the site lies agricultural style buildings and agricultural fields associated with Sandbed Farm. To the south of the site lies open countryside and agricultural fields.

3. A close boarded boundary fence forms the northern and eastern site boundaries, while to the south and west hedgerows enclose the site. There is a level change across the site with the land generally falling in a north easterly direction towards Norton Fine Beck and Sandbed Farm. Access to the site is provided from the highway Ramshaw Lane through an established vehicular access, leading to an established area of hardstanding on the site.

The Proposal

4. Planning permission is sought for the formation of a 18no. pitch static caravan site, a 16no. pitch touring caravan site and a camping site to be used for holiday purposes. Associated infrastructure, including hardstanding's, foul and surface drainage are proposed, along with amenity and reception cabins/structures. Planning permission is also sought for the use as part of the site as a manager's accommodation through the siting of a specific caravan.
5. The application is considered on a part retrospective basis, with 6 static caravans already sited on areas of hardstanding (beyond that permitted by a previous approval). A reception unit and amenities cabins have also been sited towards the northern portion of the site. A caravan used as manager's accommodation has also been positioned towards the southern portion of the site where the applicant currently resides.
6. The submitted plans set out that the static caravans would be sited on individual plots, positioned to the northern portion of the site with access tracks leading to these individual plots. The touring caravan plots would be positioned to the midpoint of the site, adjacent to the western site boundary, with an overspill area proposed to the north-eastern corner of the site. Along the northern site boundary, it is proposed that a reception and amenities cabin, along with a second amenity cabin would be retained. The submitted plans indicate the retention of the manager's accommodation unit and an associated compound. A camping area is proposed towards the southern boundary of the site.
7. It is proposed that foul drainage from the site would be treated by an underground package treatment plant, located towards to the northern site boundary. This would then be pumped, in combination with surface water discharge, into an adjacent highway gully. Before being discharged, the surface water would be attenuated in a drainage swale again located to the northern boundary of the site.
8. The current appearance of the static caravans on site varies, some with a painted aluminium finish, others are clad in dark stained waney edge timber cladding. This cladding has also been applied to the reception and amenity units. Parking spaces would be provided adjacent to each static and touring caravan plot. A landscaping plan indicates that areas of native tree, scrub and hedge planting would be planted across the site.
9. The application is being reported to planning committee as it constitutes a major development exceeding 1ha in area.

PLANNING HISTORY

10. Planning permission was granted in November 2015 for the change of use of land to form a camping and touring caravan site, erection of amenity building and formation of hardstanding. This permission has been implemented and the site operates as a camping and touring caravan site. The amenity block sited in the north-eastern corner as part of this permission has not been constructed.
11. Unauthorised development beyond what was permitted in this planning approval has been undertaken. As above this includes the siting of 6no. static caravans for holiday purposes, a reception and amenities unit. The formation of additional hardstanding and level changes on site namely around the north eastern corner. The use of the siting of the manager's accommodation for residential purposes by the applicant fails to comply with conditions on the original planning approval. This application in part seeks to regularise these breaches of planning control.

PLANNING POLICY

National Policy

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
16. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity,

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

17. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 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.
20. *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.
21. *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:

22. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; natural environment; noise; 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)

23. *Policy 8 (Visitor Accommodation)* sets out that new visitor accommodation or extensions to existing visitor accommodation will be supported where it is appropriate for the scale and character of the area and is not used for permanent residential accommodation. The policy sets out that proposals will be supported where they meet identified visitor need, is an extension to existing visitor accommodation and helps support the future business, it respects the character of the countryside and it demonstrates clear opportunities to make it location more sustainable. Proposals for new or extensions to existing chalet, camping and caravan site will be supported where they are not unduly prominent in the landscape.
24. *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.
25. *Policy 12 (Permanent Rural Workers Dwellings)* sets out that proposals for new rural workers dwellings will be permitted provided it can be demonstrated that, there is an existing functional need for a permanent full time worker to live at or very close to the site in order for the enterprise to function effectively, the rural business has been established for at least three years and is financially sound. The functional need could not be fulfilled by another dwelling on the unit or other accommodation in the area which is suitable and available for occupation by the workers concerned.
26. *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.
27. *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.

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. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the nonminerals development taking place without unacceptable adverse impact, the nonminerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

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

Neighbourhood Plan:

37. 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:

38. *Evenwood and Barony Parish Council* – Concerns are raised regarding the number of vehicles that will require parking in the 18 bays to serve the chalets and caravan park. There is strong potential for cars to spill out onto the highway.
39. *Highways Authority* – Raise no objections, but highlight that Conditions 8 (implementation of visibility splays) and 9 (upgrading of site access) from the DM/15/01938 consent will have to be addressed by this application.
40. *Drainage and Coastal Protection* – Advise that whilst the principle of the proposed surface water drainage is acceptable, construction details of all the SuDS features together with an engineering layout plan identifying levels of the

drainage infrastructure should be submitted. This could be secured by condition.

41. *Environment Agency* – Offer no objections to the application following submission of additional information clarifying that a non mains drainage package treatment would be installed. It is however advised that an Environmental Permit would need to be secured and that the maximum capacity of the site should be limited to that detailed in the non mains drainage assessment.
42. *Coal Authority* – Advise that the site falls within a high risk area associated with former coal mining activity and therefore in line with the recommendations of the submitted Coal Mining Risk Assessment, instructive site investigation works should be undertaken inform whether remedial measures are required. Given the part retrospective nature of the application, it is recommended no further units are sited unless the required investigations have been carried out.

Non-Statutory Responses:

43. *Landscape Section* – Advise that the site does not benefit from year-round screening by existing topography, or vegetation as a consequence the proposals would cause harm to the character, quality and distinctiveness of the local landscape. It is however recognised that improvements have been made to the landscape planting plan will help reduce the visual prominence and provide better long-term visual enclosure of some areas of the scheme, however until this becomes established (the length of time depending on the design, quality and performance of the planting), given the current open character of the site, the proposal will still be a notable feature. Notwithstanding this, given the topography of the site and its immediate environs, the southern sections of the static caravans would not be well screened and therefore there will still be residual landscape harm to the character, quality and distinctiveness of the landscape from this part of the site due to the current layout.
44. *Ecology* – The submitted information has been reviewed and the marginal net gain is achievable on site.
45. *Environmental Health Nuisance Protection* - Advise that there is no history of complaints relating to impact upon the site users from noise, odour or light. However there have been complaints in relation to the escape of sewage from the site which can lead to statutory nuisance under section 79(h) of the Environmental Protection Act 1990. It is however advised that the detail provided within the application demonstrates that sewage generated on the site will be removed by tanker prior to the installation of a comprehensive system, provided that this is undertaken by a licensed contractor at regular intervals, it is advised there should be no impact on neighbouring amenity.
46. *Environmental Health Licencing* – Advise that it is a requirement of the Caravan Site Licence that there shall be satisfactory provision for foul and waste water drainage. Concerns are raised regarding the management of foul water from the site prior to the installation of a comprehensive sewerage system.
47. *Visit County Durham* – No comments received

Public Responses:

48. The application has been advertised by individual notification letters, press and site notice. 9 letters of objection and 19 letters of support have been received.
49. The 9 letters of objection are summarised below:-
- The retrospective nature of the application is highlighted, including relating to the layout of the site which does not accord with the original approval
 - The site generates noise which disturbs local residents, particularly in summer months
 - The site is considered an eyesore to the local countryside while the appearance of the caravans are of a poor appearance. A large unsightly vehicle body is visible from Ramshaw Road, while the current surfacing of the entrance has a poor appearance.
 - To prevent the site being used for permanent residential occupancy it should only be open for 10 months a year.
 - It is highlighted that there are other static caravan sites within the immediate area
 - Concerns are raised regarding the cleanliness and safety of the site and smells generated from the drainage network.
 - Concerns are raised regarding the adequacy of the proposed package treatment plant to treat wastewater from the site before being discharged into the water course, particularly in times of high demand. The current cess pit is of an inadequate size to manage the foul water from the site, this has resulted in the capacity being exceeded and foul water passing over the site boundaries.
 - It is unclear whether approval has been reached to discharge into the water course in the highway verge. It is noted that this is dry for much of its length.
 - Concerns are raised regarding the attenuation of the surface water on the site, detailed specification of the proposed system should be submitted for consideration. The current layout and management of surface water results in the surface water passing across the site boundaries.
 - Concerns are raised regarding the delivery of the proposed landscaping and cladding scheme given the tight margins and proximity of units to the boundary of the site.
 - The site levels have been altered in proximity of the site boundaries, this has altered the flow of surface water across the site and has resulted in concerns in relation to amenity of adjacent sites.
50. The 19 letters of support are summarised below:-

- The site is an attractive destination and the site owners are welcoming to their visitors and the site is popular.
 - The site is well run and provides a safe environment for children and wildlife is encouraged and nurtured by the site owners
 - The options for static caravans would increase the appeal of the site and increase trade for local businesses through increased visitors and use of the site in winter months.
 - The site is an ideal location for static caravans and would increase tourism options for the area, there is a limited provision for such developments in the area
 - The site provides value for money when a lot of camping sites are overpriced.
 - Permanent accommodation is required to effectively run the site
51. CPRE (Campaign to Protect Rural England) – Note that there is an existing caravan site and that accept that the access to this site is suitable. It is also noted that the refers to colour schemes for the static homes and has a planting scheme that appears acceptable. The proposed manager’s accommodation is timber clad and single storey, it would appear that this would fit in with the landscape. However, concerns are raised whether the requirements of Policy 12 of the County Durham Plan are met in terms of the managers accommodation. Provided policy criteria is satisfied, no objection is raised, however conditions are recommended to ensure that a colour scheme of the caravans are secured, that an adequate planning scheme is provided and conditions to ensure that there is no permanent residency of the site.

Applicants Statement:

52. Meadow Farm Park first received planning permission in November 2015 as a site for camping and touring caravans. It quickly gained support as a recognised staging post for those passing through the area, heading north or south on the A68, as well as gaining popularity with caravanners from within the region enjoying the rural west of the county. However, it also became evident early in its existence that there was an increasing demand by those wishing to stay for longer periods to enjoy not only the rural side of the county, but also the increasingly strong tourism offer available through such as the developments associated with Auckland Castle and Kynren, as well as the more established attractions of such as Beamish Museum; Bowes Museum; and the city of Durham itself.
53. This recognition of the tourism demand is the basis on which this application before you is predicated, and it is an application which is founded on the ambition of the owners to invest in and grow a business notwithstanding challenges which have come their way through difficult relationships with neighbouring landowners and the obvious hurdle which the pandemic proved to be for many enterprises. The aspiration is to have a modestly-scaled site offering stays in static caravans, whilst still retaining the offer of camping and pitches for touring caravans for those staying for shorter periods or breaking longer journeys with a short stay in the area.

54. It is a proposed development invested in through personal capital and with personal, hands-on involvement and endeavour, and the applicant believes it is this personal involvement which will enable Meadow Farm Park to flourish. The application is one which will improve on the overall planning requirements and status of the site founded on the 2015 permission, and the grant of permission for this current application would put in place a structure within which Meadow Farm Park can be taken forward to provide an enhanced tourism-related offer in the area

PLANNING CONSIDERATION AND ASSESSMENT

55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, landscaping and visual impact, surface and foul water drainage, ecology, highway safety, residential amenity, ground conditions and other matters

Principle of Development

56. 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.
57. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. 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.
58. CDP Policy 10 is considered the starting point for the consideration of development in the countryside. The policy sets out a restrictive approach, stating that development in such locations will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
59. Relevant to this application is CDP Policy 8, which provides general support for visitor accommodation in the countryside where development is appropriate to

the scale and character of the area and are not used for permanent residential accommodation. In addition, the policy sets out that proposals will also only be supported where they are necessary to meet identified visitor needs; or is an extension to existing visitor accommodation and helps to support future business viability and it demonstrates clear opportunity to make its location more sustainable.

60. The approach contained within CDP Policy 8 aligns with NPPF Paragraph 84 which advises that decisions should enable; the sustainable growth and expansion of business in rural areas, the development and diversification of agricultural and other land-based rural business; and sustainable rural tourism and leisure developments which respect the character of the countryside.
61. In this respect, planning permission was granted in 2015 for the use of the site as a camping and touring caravan site and the erection of associated an amenity building and hardstanding's. While the amenity building has not been constructed, the use of the site for camping and the siting of touring caravans for holiday purposes has been implemented and this permission has commenced, the site has been actively used for tourism purposes. This application seeks planning permission for the further development of the site to facilitate the siting of 18 static caravans for holiday use, whilst retaining the established touring caravan and camping elements of the use, albeit at a reduced scale.
62. Visit County Durham advise as a destination, the County needs to increase its visitor accommodation capacity to achieve higher spending levels that would, in turn, allow the County to sustain more visitor economy businesses and direct and indirect employment. The current Durham Tourism Management Plan notes that it is important that the County grows its visitor accommodation stock quickly in order to exploit Durham's greater UK profile and capitalise on the growth in UK based holidays following COVID-19. It is considered that the proposed development would meet this aim and would assist in increasing visitor levels into overnight visitors, higher spend and visitor economy development. It is therefore considered, that there remains an identified need for such proposals in accordance with Policy 8. It is also recognised that the proposals would represent an extension to the existing visitor accommodation offer and will likely help support the business viability by appealing to a wider customer base on a year-round basis.
63. Policy 8 also sets out that tourism proposals within the countryside will be supported where they demonstrate clear opportunities to make their location more sustainable. It is recognised that the application site is not considered to be a wholly sustainable location as it is located within open countryside, in an area with limited services and is not well served by public transport. However, given the established use of the site, it is considered that the proposed development would represent an evolution of the site and would therefore not introduce a new use that would significantly increase trips to and from the site. The applicant has introduced bike stores and operates a bike hire from the site. On balance, in this instance, it is considered that given the established use, the location of the development would not give rise to a level of harm that would represent conflict with CDP Policy 8, but the harm should be recognised in the planning balance.

64. Policy 8 requires proposals to respect the character of the countryside and this is considered in more detail later within this report.
65. Overall, recognising the established use of the site, the benefits of the proposal in terms of meeting identified visitor needs, and supporting the local economy, should be weighed against any landscape and visual impact and the unsustainable location of the development, in the planning balance. In the event of any approval, conditions are recommended to ensure that the accommodation is used for commercial holiday lettings only and to prevent a residential use in order to ensure the anticipated benefits.

Manager's accommodation

66. The proposed scheme also seeks retrospective planning permission for the siting of a caravan unit to be used as permanent manager's accommodation on the site. The applicant currently resides in this unit. CDP Policy 12 is relevant to this element of the proposals which sets out that new rural workers dwellings will only be permitted where:-
 - The nature and demands of work involved means that there is an essential existing functional need for permanent full-time worker to live at the site in order for the enterprise to function effectively.
 - The rural business has been established for three years and is currently financially sound.
 - The scale of the dwelling is commensurate with the established functional requirements of the enterprise.
 - The functional need could not be fulfilled by another existing dwelling on the unit or in the area.
67. This policy replicates the requirements of Paragraph 80 of the NPPF which sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, to live permanently at or near their place of work in the countryside.
68. The supporting information sets out that the manager accommodation is required to provide a continuous management presence on site to deal with customer's needs which can arise 24 hours a day.
69. In assessing this element of the development, it is considered that whilst it may be desirable for the applicant to live on site, there is not an absolute need in order for the business to function. Commonly camping and caravan sites would have specific check in and check out times and more often than not bookings are made remotely. It is also noted that such uses have concentrated peak seasons, where in winter and colder months site activities would be expected to be limited.
70. In relation to whether any functional need could be undertaken from other dwellings in the vicinity, it is highlighted that the settlement of High Etherley is located 1.1 miles away, with a range of housing stock available. The edge of West Auckland is also located 1.4 miles away where there is again a range of housing available. Given the travel time to these settlements and others in the vicinity of the site, it is considered that without significant capital outlay, the remote monitoring facilities could easily be adopted to provide surveillance of

the site from these surrounding settlements and the applicant could rapidly respond to matters. Furthermore, no information has been provided to demonstrate that any functional need would relate to a full-time worker on the site.

71. In addition to this, whilst accepting that the operation has been established and operational for more than three years, no financial information has been submitted to demonstrate that the business is financially sound and is expected to remain so. The proposal would fall foul of CDP Policy 12 in this respect.
72. Overall, given the established lawful use of the site, it is considered that the expansion of the use to include static caravans is acceptable in principle, subject to a detailed analysis of the impacts of the development as set out below. Conditions are recommended to define the use of the site and ensure that the caravans are used for commercial lettings only. The formation of a permanent manager's accommodation would not meet the functional and financial tests of the County Durham Plan and the NPPF to permit an isolated dwelling within the countryside.
73. It is however recognised that the applicants are currently living on the site and that the majority of the construction work has been undertaken by them. On this basis, to facilitate the continued development of the site and to allow time to find alternative accommodation, a period of 12 months temporary provision is considered appropriate and is to be secured by condition. The applicant would be subject to enforcement action in the event this temporary period is breached.

Landscaping and Visual Impact

74. The application site lies within the Countryside but outside any designated or protected landscape area. CDP Policy 39 sets out that proposals for new development in such locations will be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape.
75. CDP Policy 8 h) states that proposals for new, and extensions to existing, sites for static caravans, along with associated storage and infrastructure, will be supported where they are not unduly prominent in the landscape from either long or short range views by ensuring:
 - (i) adequate year-round screening through existing topography, vegetation or other features which are compatible with the landscape. Where new or additional screening is required this must be suitably established before development can take place;
 - (ii) the layout would not adversely affect the character of the area; and
 - (iii) the materials and colour of chalets or static caravans, site services and infrastructure are designed to blend with the surroundings of the site and are limited in scale to the needs of the site occupants only.
76. CDP Policy 10 l) states that new development in the countryside must not, by virtue of their siting, scale, design and operation, give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for. In addition, CDP Policy 29 outlines

that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

77. NPPF Paragraph 130 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area for the lifetime of the development; are visually attractive; and are sympathetic to local character including the surrounding built environment and landscape setting. NPPF Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
78. At present there is a large amount of hardstanding that has been formed, concentrated in the northern portion of the site. A portion of this hardstanding was laid lawfully, under the original permission for the site and has an established visual impact. As a result, along with other structures and boundary treatments, the site in close range view has an urban appearance. The site owner more recently has attempted to soften the appearance of site through the planting of vegetation separating caravan pitches, this has yet to fully mature. A mature hedgerow has also been allowed to grow in height down the southern and western boundary of the site, to help screen the site from the adjacent highway of Ramshaw Lane. The vegetation of Norton Fine Gill also provides a visual buffer and screens the site from direct views from the north from Hart Brigg Lane. It is however recognised that in Winter months, filtered views of the site are achievable. In wider range views, particularly from higher land of Toft Hill the site is not considered particularly prominent and is largely read as part of the wider countryside with pockets of sporadic development. There is however a level change across the site, with the land generally falling from a high point from the southern site boundary to the northern boundary of the site. This means that development in the southern portion of the site is more prominent and has a higher risk of landscape harm.
79. The proposed site layout has attempted to address this level change, by concentrating caravan plots in the northern portion of the site and leaving the higher southern portion free of development. This is with the exception of the manager's accommodation, play areas and the camping area. In assessing the landscape impact of the proposals, the Council's Landscape Officer recognising that the site does not strictly benefit from year-round screening advises that the proposals would cause some harm to the character, quality and distinctiveness of the local landscape. It is however noted that improvements have been made to the landscape planting plan that would help reduce the visual prominence and provide better long-term visual enclosure of some areas of the scheme. It is however advised until this becomes established, and depending on the quality and performance of the planting, this harm will not be fully mitigated in the short term. It is also advised that there would still be residual landscape harm in relation to the siting of the caravans on the higher southern portion of the site which would not be fully screened, even once the landscaping is matured.
80. Amendments have been sought from the application in this respect, however it is advised that this would impact on the quantum of development achievable, adversely impacting on the viability of the scheme, given associated costs of

required site improvements. It is however noted that the proposed manager's accommodation, as set out above would need to be removed after a 12-month period. This would also assist in reducing the visual impact of the development, being the most southern unit of accommodation.

81. The site layout also proposes the removal of a significant amount of hardstanding which adds to the urbanised feel of the site. This is considered to represent an improvement over the existing situation. As highlighted above, the appearance of the static caravans on site varies, some with painted aluminium, others have been clad in a dark stained waney edge timber cladding. This cladding has also been applied to the amenity blocks. Unfortunately, the cladding of these elements of has led to a jarring visual appearance which is not considered particularly sympathetic to the rural character of the area.
82. Overall, on balance the development would result in some residual landscape harm. However, it is considered that this level of harm would not result in a conflict with policy but would need to be weighed in the planning balance. Conditions are recommended to be attached to ensure that the landscaping scheme is carried out in accordance with the approved plans. Furthermore, conditions are recommended to ensure that any sited caravans are of an appropriate design/colour and that any hardstanding which does not align with the approved layout is removed.

Surface and foul water drainage

83. 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.
84. Part c) of Policy 35 states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development will not be permitted unless it can be proven through a Flood Risk Assessment that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall.
85. 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. Paragraph 167 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that, where appropriate, applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

86. Concerns have been raised by the adjoining site owner regarding surface water flooding, given the topography of the site it is advised that in high rain events surface water flows over the site boundaries. Due to the hardstanding's created on site, the topography of the land and surrounding land levels, this is considered a likely occurrence. It is however considered that to a lesser degree this would have happened naturally even if the site was in an agricultural use due to land levels and topography.
87. In consideration of this issue, the application is supported by a Flood Risk Assessment and a Drainage Strategy. The submitted information sets out that the site is within Flood Zone 1, with the lowest risk of flooding. The drainage strategy proposes that the runoff of surface water within the site would be conveyed by a series of filter drains to a detention basin, where its flow would be attenuated, before being discharged to a highway's gully on Ramshaw Lane by a pump.
88. The Council's Drainage and Coastal Protection Team advise that whilst the principle of the proposed surface water strategy is acceptable, construction details of all the SuDS features together with an engineering layout plan identifying levels of the drainage infrastructure and specification should be submitted. It is advised that the detention basin should be no steeper than 1 in 5. It is advised that this detail could be secured condition, including setting out a timeframe for completion. Given the retrospective nature of the application, it is considered that a period of 12 months would be appropriate to detail this information and any unauthorised hardstanding's that do not align with the approved layout would also need to be removed within this period.
89. In terms of foul water, at present, the development is served by a cess pit which is emptied under contract with a local operator. Although not the preferred solution for developments of this nature, this arrangement has been installed under the general binding rules of the Environment Agency without the need further permission. Complaints have been received regarding instances where the capacity of this system has been exceeded. The Environment Agency and the Council's Environmental Health Team have specific powers for such matters and can undertake investigations in relation to this.
90. In order to address this matter, the development as proposed intends to upgrade this to package treatment plant which would treat wastewater before discharging into a gully in the highway. The supporting information calculates the estimated daily flows generated by the development, on the assumption of full occupancy, indicating the size of the package treatment plant required to be installed.
91. In consideration of the proposals the Environment Agency offer no objection to this approach, it is however advised that an Environmental Permit would need to be secured (under separate legislation). Overall, in principle, the foul drainage strategy for the site is considered acceptable, however a condition is recommended to secure further details of the proposed scheme in order to ensure that it conforms with the technical requirements of the Environment Agency and adequately treats wastewater to prevent pollution of the environment.

92. However, as set out above, the application is in part retrospective, with 6 caravans already sited and brought into use. Until the proposed package treatment solution is installed and brought into use, an interim solution is required. A condition is therefore recommended to ensure that the levels of the current cess pit are routinely monitored, and the tank is emptied on a frequent basis. While recognising that both the Environment Agency and the Council's Environmental Health Service have specific powers in relation to potential pollution instances of this nature, this would allow the Local Planning Authority to control and reduce the risk of pollution to the environment in line with relevant policy.
93. Overall, subject to conditions requiring the submission of further details and subsequent completion of the surface and foul water drainage strategy for the site and the implementation of an interim management regime, the development is considered to accord with CDP Policies 35 and 36 and Part 14 of the NPPF.

Ecology

94. NPPF Paragraph 179 b) seeks to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 d) goes on to advise 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.
95. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. The application is supported by an Ecological Impact Assessment, Breeding Bird Survey, Biodiversity Net Gain Assessment, Outline Landscape Management and Monitoring Principles document, and Defra Biodiversity Net Gain Metric in excel format.
96. The submitted Ecological Impact Assessment concludes that the development would not result in adverse impacts in relation to protected species and their habitats. The reports and subsequent biodiversity metrics calculation demonstrate that a net biodiversity gain would be achieved subject to the delivery of the submitted landscaping plan.
97. The Council's Ecology officer advises that the methodologies and conclusions within the report are sound, and that the development would achieve a marginal net biodiversity gain.
98. Overall, subject to a condition requiring the completion of the proposed landscaping scheme the development is considered to accord with CDP Policy 43 and Part 15 of the NPPF.

Highway Safety

99. 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.

100. 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. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
101. The parish council raise concerns over the level of parking on site, highlighting the potential for parking to spill out onto the highway.
102. The proposed development would utilise the existing site entrance off Ramshaw Lane, leading to an internal site layout. Each caravan unit would have its own parking space whilst there would be parking available, if required, on grassed areas on the site.
103. Highways Authority raise no objections to the continued use of the site access or the development as a whole. It is however highlighted that conditions, ensuring site visibility splays are maintained, and the surfacing of the entrance adjoining the highway, would be required. Conditions to this effect are recommended, including a compliance period of 12 months for the surfacing works.
104. Whilst recognising the concerns of the Parish Council, sufficient car parking is considered to remain within the site and the proposals are not considered to adversely affect highway or pedestrian safety, subject to the attached conditions. The development is therefore considered to accord with CDP Policies 10 and 21 and Part 9 of the NPPF in this respect.

Residential Amenity

105. 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.
106. 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.
107. Criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
108. In general, the site lies within the open countryside, however a rural agricultural type enterprise known as Sandbed Farm is located directly to the north east of the site. A number of buildings containing animals and equipment are sited in proximity of the site boundary, and an access road also runs along the northern boundary to the site. Currently Sandbed Farm has a temporary permission for

a residential caravan to be sited, while an appeal is currently being held for the construction of a rural workers dwelling. These elements would be sited approximately a minimum of 50m from the site boundaries.

109. Concerns have been raised from the adjacent site regarding a loss of amenity, specifically in relation to the siting of caravans in the northeast corner of the site. It has been advised that the site levels in this area have been altered through the importation of materials, creating a large hardstanding area. Further objections have also been raised by other properties in relation to noise and disturbance levels from the site.
110. The Council's Environmental Health and Consumer Protection Team (EHO) advise that there is no history of complaints relating noise, odour or light. It is also recognised that the site has an established use as a touring caravan and camping site, it is considered that the introduction of static caravans to this use would not significantly intensify or change the nature of any established impact. Whilst views would be achievable across the adjacent site, this in itself is not considered to represent a significant loss of amenity, particularly over the existing established uses. It is also noted that the current and potential residential elements associated from the adjacent site are removed from the site boundaries with intervening developments.
111. In relation to the specific concerns regarding the change in site levels in the north-eastern proportion of the site, officers observations are that these alterations are relatively limited and do not significantly alter the relationships between the two sites. Notwithstanding this, the submitted plans detail that this area would only be used as an overspill area for touring caravans while conditions detailed above require the removal of hardstanding's on the site to align with the approved site layout. This would have the effect of requiring the removal of the imported material. The approved landscaping plan also details native shrub and tree planting in this area to soften the appearance of this element of the site, this would also have the effect of screening views once mature.
112. Overall, subject to conditions requiring the installation of the landscaping and removal of hardstanding's the proposals are considered to maintain the amenity of surrounding users in accordance with CDP Policies 10 and 31, as well as Parts 12 and 15 of the NPPF.

Ground Conditions

113. 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.
114. The application is supported by a Coal Mining Risk Assessment which considers the risk of previous shallow coal mining activity on the site. It is identified that there is a mine shaft located centrally towards the southern boundary of the site, and a second shaft just outside the southern boundary of the site. In line with mitigation detailed within the original planning approval for the site, exclusion zones have been established around these shaft locations.

This is proposed to be replicated in this scheme, with the caravan pitches and hardstanding areas all located out with of the detailed protection zone.

115. In the original application The Coal Authority raised no objection to the use of the wider site as a camping and touring caravan site subject to ensuring that no activities were undertaken within the mineshaft portion zones. This is because of the transient nature of the use and that limited ground works are proposed. However, the Coal Authority's advise has subsequently changed, and it is now advised that units of accommodation, where there is likely a high degree of occupancy, such as static caravans, are required to consider whether remedial measures in terms of site stability are required. This is referenced in the submitted coal mining risk assessment which recommended that further site investigations are required to inform this.
116. Given the part retrospective nature of the application, The Coal Authority advise that no further static caravans are sited unless the required investigations have been carried out. This recognises the established use of the site and that the siting of a caravan in itself does not require engineering works or the alteration of site levels.
117. Subject to a condition requiring the undertaking of additional site investigation and carrying out of mitigation measure as required, the development is considered to comply with CDP Policy 32 and para. 183 of the NPPF.

Other Matters

Mineral resources

118. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
119. The site is form part of a wider area identified a Coal Resource Area, the provisions of CDP Policy 56 (Safeguarding Mineral Resources) are therefore applicable. Given that the proposed development is neither 'exempt' as set out in appendix C C2 of the CDP (criterion e) or 'temporary in nature' (criterion c) CDP Policy 56 would normally require that a Mineral Assessment be prepared. However, given the established uses on the site, which in large are not considered development (a caravan is considered a chattel facilitating a use) it is not considered that pursuing a Mineral Assessment upon this application is appropriate or worthwhile. While it has not been demonstrated, it is considered that the sterilisation would likely be minimal. On this basis, it is considered that there would be no conflict with CDP Policy 56

Renewable energy

120. CDP Policy 29 sets out that development proposals should minimise gas emissions by seeking to achieve zero carbon buildings and provide 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.
121. In this respect a caravan is not considered a building, but a chattel (a movable item) facilitating a use, it is therefore considered that the requirements of Policy 29 would not strictly apply. It is however recognised that the site is not connected to the main gas supply, but that as is usual, a caravan would utilise a portable LPG gas bottle. Options would however be available to the site owner to utilise electric heating and cooking facilities rather than gas, which could be sourced from centralised renewable energy generation. Solar panel and off grid battery storage solutions are available but would likely to prove cost prohibitive, particularly in considering the levels of investment required to address other matters on the site. Overall, in this instance no conflict with Policy 29 is identified.

CONCLUSION

122. The development seeks permission to for the formation of a 18no. pitch static caravan site, a 16no. pitch touring caravan site, and a camping site to be used for holiday purposes. Planning permission is also sought for the use as part of the site as a manages accommodation through the siting of as specific caravan.
123. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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.
124. Given the established use of the site, in this instance the principle of the introduction of static caravans is on balance considered acceptable, while acknowledging the harm arising from the unsustainable location of the development. The use of the site to provide residential accommodation for a site manager is however not considered to meet strict tests for residential accommodation in the countryside due the lack of functional need and the lack of the proven financial viability of the business. A temporary period of 12 months for this use is however considered appropriate.
125. Although additional landscaping is proposed and the site would be reconfigured to create a more attractive development, a residual landscape harm would still arise. This is not however considered sufficient to amount to a policy conflict.
126. Proposed conditions would ensure that the development would not have an adverse impact on flooding, pollution in the environment, residential amenity, highway safety, safeguard ecological interests and ensure that the site is stable for the intended use.

127. The development as proposed is considered to comply with Policies 8, 10, 21, 29, 31, 35, 36, 39 and 41 of the County Durham Plan and Parts 6, 9, 14 and 15 of the NPPF. The proposed conditions would address the acknowledged retrospective elements of development and would provide a robust framework to enforce in the event of noncompliance with relevant conditions. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

Public Sector Equality Duty

128. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **Approved** subject to the following conditions:-

Plans

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

Planting Plan, Drawing Number 2109.01E
Proposed Site Plan, Ref 21001-002 Rev D
Reception & Amenities Block, Ref 21001 – 003 A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 8, 10, 12, 21, 29, 34, 35, 39 and 41 of the County Durham Plan and Parts 5, 6, 9, 12 and 15 of the National Planning Policy Framework.

Holiday Restriction

2. The development hereby approved shall be occupied for commercial holiday purposes only and shall not be occupied as a person's sole or main place of residence. The caravans facilitating the use shall be made available for commercial holiday lets only and no single let shall exceed 31 days and shall be repeated again in a 2 month. The owners/operator shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation and of their main home addresses and telephone numbers, along with details of the advertisement of the site for of holiday lets. This information shall be made available at all reasonable times to the Local Planning Authority. There shall be no residential use of the site at any time.

Reason: To ensure that the development is occupied as holiday accommodation only, in order to comply with Policies 8, 10 and 12 of the County Durham Plan and Parts 5 and 6 of the National Planning Policy Framework.

Temporary manager's accommodation

3. Notwithstanding the requirements of condition 2, for a temporary period of 12 months only, provision can be made for the use of a single caravan unit as a residential use for manager's accommodation (and their family) in the location depicted for manager's accommodation on the approved plans. The manager shall be directly employed by the site. After the temporary 12 month period has elapsed the residential use shall cease and the caravan unit, hardstanding's and means of enclosure facilitating the use shall be removed. Thereafter native shrub planting in the location of the manager accommodation shall be planted in accordance with the planting notes and plant schedule set out on the approved planting plan, Drwg no. 2109.01E. The planting shall thereafter be retained for the lifetime of the development.

Reason: In order to prevent the formation of an isolated rural residential use and in the interests of the visual amenity of the area in accordance with Policies 10, 12, 29 and 39 of the County Durham Plan and Parts 5, 6 and 15 of the National Planning Policy Framework.

Maximum Number of Statics

4. The maximum number of static caravans facilitating the use hereby approved shall not exceed 18 in number at any one time. The static caravans shall only be sited in the locations depicted in the approved plans, any static caravan which deviates from the approved siting within a period of 12 months from the date of this decision shall be removed from the site.

Reason:- To define the permission and in the interest of the visual and residential amenity of the surrounding area, in accordance with Policies 8, 10, 29, 31 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Maximum Number of Tourers

5. The maximum number of touring caravans facilitating the use hereby approved shall not exceed 16 in number at any one time. The touring caravans shall only be sited in the locations depicted in the approved plans. No caravan shall be sited in the overspill area when capacity remains in an approved location elsewhere on the site. Any touring caravan which is sited in a location which deviates from the approved siting within a period of 12 months from the date of this decision shall be removed from the site.

Reason:- To define the permission and in the interest of the visual and residential amenity of the surrounding area, in accordance with Policies 8, 10, 29, 31 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Maximum Campers

6. The maximum number of campers shall not exceed 30 individuals at any one time, Camping shall only be undertaken in the area depicted 'camping area' on the approved plans and no other part of the site, including landscaping, shrub/tress or wildflower planting areas. The owners/operator shall maintain an up-to-date register of the number of campers on site at any time, this

information shall make this information available at all reasonable times to the Local Planning Authority

Reason:- To define the permission and in the interest of the visual and residential amenity of the surrounding area, in accordance with Policies 8, 10, 29, 31 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Landscaping

7. The landscaping scheme depicted on the approved Planting Plan, Drwg no. 2109.01E shall be completed within 18 months from the approval of the application. All plant, vegetation and habitat creation shall be installed and maintained in accordance with the approved details and thereafter retained for the lifetime of the development. Any vegetation which fails to flourish, dies or becomes damaged within a 5 year period from planting shall be replaced in accordance with the approved details.

Reason:- In order to mitigate the landscape impacts of the development and in order to ensure a net biodiversity gain. In accordance with Policies 8, 10, 29, 39 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Alignment of hardstanding's

8. Within a period of 12 months from the date of this decision, any hardstanding (including any subbase) which deviates from that depicted on the approved site plan shall be removed from the site. The resultant levels of the site shall align with that depicted on the approved site layout. There shall be no storage of any material resulting from the removed hardstanding on the site at any time.

Reason:- In order to mitigate the landscape impacts of the development and in order to ensure a net biodiversity gain. In accordance with Policies 8, 10, 29, 39 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Maintenance of hedgerow

9. Notwithstanding the submitted information, the hedgerow along the western and southern boundary of the site shall be maintained at a minimum height of 2.4m from the ground level of the base of the hedge. The hedgerow along the western and southern boundary shall not be removed from the site.

Reason:- In order to mitigate the landscape impacts of the development and in order to ensure a net biodiversity gain. In accordance with Policies 8, 10, 29, 39 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Design of caravans

10. Within 6 months of the date of the permission hereby approved, a scheme to define the design, specification and colour finishes of any static caravan sited to facilitate the use and the amenities/reception units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter within 12 months of approval of this application the appearance all static caravans and

the amenity units on the site shall comply with the parameters of the approved scheme or shall be permanently removed from the site until compliance.

Reason:- In order to control the design of the landscape and minimise the associate impacts on the surrounding landscape and character and appearance of the area. In accordance with Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

PD Removal

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, no structures or temporary buildings shall be sited, no means of enclosure shall be erected or additional hardstanding installed without the further grant of planning permission. Any structures, vehicle bodies or temporary buildings not depicted on the approved plans shall be permanently removed from the site within 6 months of this permission.

Reason: To ensure the development relates acceptably to the character and appearance of the surround area and landscape, in accordance with policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework

Foul water system

12. No more than 6 static caravans to facilitate the use hereby approved shall be sited at any one time, unless an upgraded foul water drainage system has been installed and brought into full operation in accordance with details to be first submitted to and approved by the Local Planning Authority. The submitted details shall be based on the principles established in the Flood Risk Assessment and Drainage Report revised May 2022, Ref P256 and shall include details on the capacity of the system to treat the maximum theoretical occupancy of the site, level of treatment, agreed point of discharge and a maintenance regime. The approved foul drainage system shall remain operational within the approved parameters for the lifetime of the development.

Reason:- in order to ensure that the site is served by a suitable means of foul drainage, in accordance with Policies 35 and 36 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Foul water Cess Pit management

13. In the interim period between the granting of the planning permission hereby approved and the installation of the upgraded foul water drainage system approved by condition no. 12, the sewage/water level of the cess pit serving the development shall be monitored on a weekly basis and regularly emptied to ensure that its level does not exceed 85% of the total capacity of the tank. The owners/operator shall maintain a detailed record of monitoring levels of the cess pit relative to its total capacity. A record of associated waste transfer notes shall also be kept. This information shall make this information available at all reasonable times to the Local Planning Authority to demonstrate adherence with this condition.

Reason:- in order to ensure that the site is served by a suitable means of foul drainage, in accordance with Policies 35 and 36 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Surface water

14. No more than 6no. static caravans shall be sited or any additional hardstanding (including access tracks and caravan/parking plots) created on the site until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority based in the principles set out in Flood Risk Assessment and Drainage Report revised May 2022, Ref P256. The submitted details shall include a timetable for completion and a maintenance regime. The approved drainage system shall remain operational at all times within the approved parameters for the lifetime of the development.

Reason:- in order to ensure that the site is served by a suitable means of drainage, in accordance with Policies 35 and 36 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Highways

15. Within a period of 12 months from the date of this permission the vehicular access hereby approved shall be surfaced in tarmac or concrete for its entire width and extending back 3.85m from the edge of the adopted road surface.

Reason: In order to achieve a satisfactory means of access to the site, in accordance with Policies 8, 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Site Visibility

16. Site visibility lines drawn between a point 2.4m back from the carriageway edge along the centreline of the access, to points on the carriageway edge 65m from the centreline of the access (at both sides) shall be maintained free of obstruction at all times.

Reason: In order to achieve a satisfactory means of access to the site, in accordance with Policies 8, 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Land stability

17. No more than 6no. static caravans shall be sited or any additional hardstanding (including access tracks and caravan/parking plots) created on the site, until a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and detailing of any required remediation works and/or mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter any required remedial works shall be undertaken in accordance with the approved details.

Reason: In order to address land stability concerns in connection with previous coal mining activity on the site in accordance with Policy 32 of the County Durham Plan and Paragraph 183 of the National Planning Policy Framework.

Mineshaft protection zone

18. There shall be no public access, including for leisure pursuits, siting of caravans, tents or parking of motor vehicles within the mineshaft protection zones as depicted on the approved plans. Such areas shall be fenced off to restrict public access.

Reason: In order to address land stability concerns in connection with previous coal mining activity on the site in accordance with Policy 32 of the County Durham Plan and Paragraph 183 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)
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Meadow Farm Caravan Park Ramshaw Lane Ramshaw Bishop Auckland DL14 0NB</p>	
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01553/FPA
Full Application Description:	Proposed driveway, dropped kerb, change of use of open space to allow parking and hard stand on front garden with gates
Name of Applicant:	Mr Daniel Hawksby
Address:	2 Sudburn Avenue, Staindrop, Darlington, DL2 3JX
Electoral Division:	Barnard Castle East
Case Officer:	Jacob Reed (Planning Officer) Tel: 07827552367 Email: jacob.reed@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a grassed area to the front of the residential property of no. 2 Sudburn Avenue, located to the south east of the village of Staindrop. The land in question currently forms part of a wider stretch of open space, sited in between the dwellings of Sudburn Avenue and the adjacent highway.
2. The site lies between public footpaths which form part of the adopted highway and run both parallel and perpendicular to the dwellings and the highway of Sudburn Avenue. The grassed open space area falls outside of the adopted highway and is owned and maintained by North Star Housing Association.
3. Surrounding the site residential properties are located to the north and east, to the south lies a wider area of open space. The highway Sudburn Avenue is located to the west, beyond lies Staindrop Academy. The site lies 20m to the south of Staindrop Conservation Area.

The Proposal

4. Planning permission has previously been granted for the formation of an access which extends across the open space to the front of the property, leading to an in-curtilage parking area. This application through a resubmission of the original approval effectively seeks permission to allow parking of the applicant's car on the approved access way to the front of the dwelling, which was not part of the previous planning permission. All of the details in the original application have been resubmitted as part of this application.
5. As approved the accessway would adjoin an existing pedestrian footway which runs perpendicular to a footpath located adjacent to the highway and in front of the dwellings of Sudburn Avenue. The existing adopted highway would be retained and reinforced as required, concrete pin kerbs would delineate the adopted highway and the proposed access way. The appearance of the development would be largely identical to that as approved with a tarmacked surface replacing the existing grass area.
6. As approved and subsequently completed under the original permission the existing front garden has been removed and replaced with a block paved hardstanding area. The existing boundary wall has been retained albeit with a wider opening to facilitate vehicle access, a new timber vehicle and pedestrian gate with a maximum height of 1m is proposed.
7. The application is being reported to planning committee at the request of Staindrop Parish Council on the grounds that highway verge should not be appropriated for private parking.

PLANNING HISTORY

8. DM/19/00269/FPA Two storey and single storey extension to rear, approved 20th March 2019.
9. DM/22/00616/FPA Formation of parking area to front of property including a drop kerb and hard standing area and access across a highway verge, approved 14th April 2022

PLANNING POLICY

National Policy

10. 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.
11. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable

development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

12. NPPF Part 4 Decision-making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. NPPF Part 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 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.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

16. *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.

17. *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.
18. *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.
19. *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.
20. 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:

21. 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:

22. *Staindrop Parish Council* – Object to the application on the grounds that the highway verge should not be appropriated for private parking as proposed. It is however recognising and indeed supporting the request for access across the highway verge to use parking space on private property.
23. *Highways Authority* – Offer no objections to this proposal from the highway's aspect subject ensuring that any work within the public highway is constructed

in accordance with the requirements of Section 184(3) of the Highways Act 1980.

24. *Design and Conservation* - The property in question is a 20th century semi-detached property set back from the road beyond an open patch of grass. The building is outside the boundary of Staindrop Conservation Area. Similar arrangements appear to have been created to surrounding properties in this group. It is not on the main road through the conservation area but reads as part of this later development. As such it would not be considered to impact on the setting of the conservation area.

Public Responses:

25. The application has been publicised by individual notification letters, no representations have been received.

APPLICANTS STATEMENT:

26. None Received

PLANNING CONSIDERATION AND ASSESSMENT

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

Principle of Development

28. The principle of the development of the site has been established under application DM/22/01553/FPA which granted planning permission for a vehicle crossing to the development. This permission has been implemented with the formation of a blocked paved area to the front of the dwelling and widening of the vehicle access. The proposal is largely identical in appearance to the approved development, however, now seeks permission to park a vehicle on the approved access, thereby resulting in a change of use of this area which was not covered in the previous planning permission. The principle of development is therefore considered to be established and the issues raised in this application are related to matters of detail to which consideration is given to below.

Visual Amenity

29. Policy 6 of the CDP sets out that development will only be permitted where it is appropriate in terms of scale, design, layout and location to the function form of the settlement. Policy 29 of the County Durham Plan sets out that development should contribute positively to an areas character, townscape and landscape features to create and reinforce locally distinctive and sustainable communities.

Part 12 of the NPPF seeks to promote good design of developments that are sympathetic with their surroundings

30. In visual amenity terms the proposed development would have the same impact as the approved development, with a tarmacked vehicle access extending across the public highway and open space. However, this application specifically seeks to change the use of the approved access to allow the parking of a car. The Parish Council have raised concerns regarding the parking of a vehicle in this location.
31. The land in question is owned by North Star Housing Association, who maintain the area. The land is not designated in the County Durham Plan as Public Open Space, but is considered general open amenity land. The site adds to the pleasant approach into the Sudburn Avenue area of the village, where dwellings are set off the highway separated by an area of open space.
32. In assessing the proposed development against the above policy context, it is recognised that the appearance of a parked car to the front of dwellings would result in a change to what was previously approved. However, this arrangement is not uncommon within the area and an established practice with neighbouring, properties historically parking on access ways within the open space. Whilst this does result in a degree of visual clutter, it is considered that the general openness of the area is maintained and when balanced against the visual impact of the parking on the highway the development is not considered to adversely impact on the character and appearance of the area.
33. In relation to the hardstanding area to the front of the dwelling, widening of the access and proposed access gates, in line with the approval these are considered acceptable in principle.
34. The Staindrop Conservation Area is located to the north of the site, however the Council's Design and Conservation Officer advises the property in question is a 20th century semi-detached property set back from the road beyond an open patch of grass. Similar arrangements appear to have been created to surrounding properties in this group. It is not on the main road through the conservation area but reads as part of this later development. As such it would not be considered to impact on the setting of the conservation area.
35. Overall, while appreciating the Parish Council's concerns, it is considered that the development would not significantly impact on the character and appearance of the area over and above the extant situation. Accordingly, it is considered that the proposal is in accordance with Policies 6 and 29 of the County Durham Plan and Part 12 of the NPPF.

Highway Safety

36. Part 9 of the NPPF requires that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
37. Furthermore Part 9 outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

38. CDP Policy 21 states car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. On street and footway parking should be avoided where it would have an unacceptable impact on highway safety.
39. The Parish Council have objected on grounds that the Highway verge should not be appropriated for private parking.
40. As approved the accessway would be located to the south of and adjoin an existing pedestrian footway which runs perpendicular to the footpaths located adjacent to the highway and in front of the dwellings on Sudburn Avenue. The existing adopted highway would be retained and reinforced as required, concrete pin Kerbs would delineate the adopted highway and the proposed access way. The development would therefore not result in the loss of any adopted highway.
41. The Council's Highways Officer has reviewed the proposal and raises no objections to the development, advising that the proposal would not give rise to any highway safety concerns. It is however advised that the applicant would need enter into a S184 agreement to agree the scope of the works within the adopted highway. It is also advised that parking would not be permitted in the areas designated as adopted highway to ensure that there is not an obstruction to road users. The Highways Authority have specific powers to regulate such matters.
42. Overall, the proposal would not adversely affect highway safety, according with CDP Policy 21 and Part 9 of the NPPF.

Other Matters

43. It is considered that due to the nature of the proposals and separation to surrounding properties that a loss of residential amenity has and will not occur. The development is considered to accord with Policies 6, 29 and 31 of the County Durham Plan in this respect.
44. While the development would increase the amount of hardstanding this is relatively limited and would fall to the adjacent grassed areas. This would provide a degree of attenuation water before passing into the mains drainage system. The development is therefore considered to accord with Policies 6 and 35 of the County Durham Plan in this respect.

CONCLUSION

45. 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).

46. The application effectively seeks planning permission for the change of use of an area of open space and access to allow parking of vehicles, with the physical works already approved and partially undertaken in an extant permission. It is concluded that the development would not impact on the visual amenity of the surrounding area, would not adversely affect highway safety or the amenity of neighbouring residents. Therefore, the proposal is considered to accord with relevant policies of the County Durham Plan and the NPPF.
47. Whilst recognising the concerns of the Parish on balance these are 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.

Public Sector Equality Duty

48. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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, Received 20th May 2023
Existing and Proposed Site Plans, Rev C, Received 4th October 2023

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 21 and 29; of the County Durham Plan and Parts 9 and 12; 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)
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses



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Formation

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Comments

Date: 20th April 2023